

WIGGERY POKERY

About this book

This light-hearted burlesque of the life and struggles of a young barrister concerns Alan Pace, who attracts the interest of a retired shipping magnate, and is briefed to appear on the magnate's behalf against a firm of patent medicine manufacturers. Pace is married to a very modern-thinking woman, and the comedy expands as neighbour trouble becomes mixed with professional interests.

That the author's name conceals the identity of a barrister will quickly be apparent to the reader, whose pleasure will surely derive from the fact that Hastings Draper obviously knows his subject and is not afraid of it. The infectious quality of his caricatures and the book's dry undertones of reality should ensure wide popularity for this slightly irreverent, but very human, novel.

HASTINGS DRAPER

Wiggery Pokery



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Gratefully dedicated to all litigants
. . . . Bless 'em.

CHAPTER ONE

ALAN PACE was not yet a successful barrister. That is to say, no close relative of his was a solicitor nor had he had the forethought to marry a solicitor's daughter.

He rocked back on his heels and studied the "back-sheet" of his brief. On it was typed 2 gns. He looked at his opponent's brief, which had been carefully placed in a commanding position, and for the fifth time that morning read the figures "20 gns."

"I do not know whether you are acquainted with the case of Lumley and Parsons?"

Alan forced his mind back to the stuffy courtroom. The Judge had asked him a question and after a slight hesitation he managed to remember what it was. "Lumley and Parsons, your Honour?"

Judge Stevens leaned back in his chair and repeated the name of the case with a fullness to his voice, a slight trace of reverent awe that suggested fulsome respect. "Lumley and Parsons," he repeated.

"Yes, your Honour."

"That case was finally decided in the House of Lords." He waited, and were it not that such a demonstration would have been vigorously suppressed by the Usher, it was as though he waited for applause.

All this meant nothing to the nine members of the public seated on the very uncomfortable wooden benches of Partridge County Court.

The lawyers present were not mystified. Lumley and Parsons was a case that dealt with bankruptcy. It had first been heard

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before Judge Stevens who, at the conclusion, had given a verdict that was almost inspired. The Court of Appeal thought otherwise, and the Master of the Rolls went so far as to refer to the peculiar decision of the County Court Judge of whom the most charitable thing that could be said was that at the time he gave it he must have been very unwell. Any resentment on the part of Judge Stevens was forestalled by the Law Lords who heard the further appeal, and who raised their eyebrows at the Court of Appeal with lordly superciliousness and declared that the Court of Appeal had mistaken every aspect of the case it was possible to mistake. This left Judge Stevens as the author of a Leading Case and his name became enshrined in some of the better-class textbooks. Fame such as that was not lightly to be overlooked, and the case of Lumley and Parsons was brought to the public notice at least once every day, and, although bankruptcy was a limited subject, the Judge did not hesitate to bend the words of his case to suit the needs and it was reputed—though, as with the Indian rope trick, eye-witnesses were scarce—that on one occasion the headnote had provided the grounds, during the hearing of a divorce, for a judgement of the impotency of a husband.

"Yes, your Honour," remarked Alan. He had brought two textbooks to Court, and one of them contained the law reports among which Lumley and Parsons was to be found: he opened the book and waited.

"On page fifty-four, about the eighth line down, I think," remarked the Judge vaguely, "you will find something to the effect that when the burden of proof is on one party, the other party to the action must . . ." he quoted fourteen lines without a single error. "This means that in the present instance you come to Court and you say this was an unfurnished letting."

"Yes, your Honour. I say. . . ."

"One moment, please, Mr. Pace." The Judge looked at him and frowned. "We must get this point straight or we'll have Mr. Jackson complaining."

"Only if I don't get back in time for lunch, you old windbag,"

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muttered the last named in a whisper that just carried to Alan.

The Judge stared thoughtfully at the ceiling. "Let us see where the burden of proof lies in this case if we apply the test to be found in Lumley and Parsons."

Jackson looked at his watch, turned, and spoke to the solicitor who sat immediately behind him. "I'm supposed to be at the Old Bailey this afternoon."

"Not even he can last another hour and a half."

The solicitor proved to be correct. Thirty-five minutes later the case was decided in favour of Alan's client.

Counsel and solicitors gathered in the robing room. Jackson removed his wig and ran a hand through his thick, wiry hair. He then took a cigarette case from his pocket and offered it round.

Alan removed his tabs and his wing collar. "Over an hour," he complained. "Thanks," he added, as he accepted a cigarette.

"It's not worth coming here whatever the brief's marked," complained Jackson. "It is too great a strain to remember not to quote anything said in the Court of Appeal." He pulled off his gown and pushed it into his red bag—sign of an old hand.

Alan placed his cigarette on the edge of an ash-tray and thought that for twenty guineas he would cheerfully listen to Lumley set to music.

"Would you sign the brief?" asked his solicitor. "You've got the judgement, haven't you?"

He wrote the judgement on the front of the brief and then signed it, with the date. He handed it to the other and smiled, and privately hoped his presentation of the case had been duly appreciated.

The solicitor crammed the brief into his pocket. "Good-bye," he said. He left the room.

"Going back to the Temple?" asked Jackson.

"Yes."

"I'll give you a lift—car's just outside." He turned and spoke to his solicitor. "This is one case we didn't make," he said cheerfully. "Opposing counsel knew his Lumley too well!"

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It was inevitable that the jokes about Lumley were repeated almost as frequently as was the case itself.

"Not to worry. Defendant's got plenty of money," remarked the solicitor.

"Think he'll appeal?" Jackson asked hopefully.

"Might do."

"That's the kind of client to know. You tell him he ought to appeal—isn't that so, Pace?"

"All litigants ought automatically to appeal," agreed Alan.

"And every appeal should take in a leader," Jackson added.

The solicitor smiled thinly. "You chaps are never satisfied."

On that slightly astringent note the three men parted after a perfunctory good-bye and the two barristers left the building and walked round to the car park which was at the back of the County Court. Jackson indicated a large car, of the type that stood half-way between the family saloon and the luxury carriage and was made for those who wished to ride in something that gave the appearance of the latter but whose cost was nearer that of the former.

Jackson drove with the concentrated malignancy of one who knew to a hairbreadth the difference between the offences of careless and dangerous driving. At one point he swerved violently and somehow managed to miss an innocent cyclist, caused a car to apply its brakes with emergency force, and then crossed lights which were about to turn red but were just too late to catch him. "There're some fools driving these days," he said indignantly.

Alan agreed.

"Whose Chambers are you in?"

"Hunt's—he's head of Chambers, and Simmonds is co-tenant,"

"Old Oliver Hunt! Give him my regards." Jackson chuckled.

"He and I were once briefed together in a case that lasted for a full seven days—that's the kind to get! Clerk needed an adding machine to work out the refreshers."

Alan reflected that in his own career at the Bar he had only once become entitled to a refresher and that was the occasion when the

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client, having lost his case, refused to pay any fees on the principle of the old Chinese doctors.

"How's Hunt doing these days?"

Inevitably, one counsel wanted to know how another counsel was doing—in consequence more lies were told than was normal among honourable men.

"He's doing remarkably well," replied Alan. "Leading in the Patterson case."

"Just after he took silk he had a hell of a struggle. I remember him in the High Court when his brief was only marked twenty guineas."

"It's always a toss-up for the first couple of years, isn't it?"

"Um," grunted the other, as he concentrated on forcing his way into a gap that had been carefully and thoughtfully left to enable cars coming from the right to cross through the line of traffic.

They reached the Temple and Alan thanked his driver, left the car and entered the red-brick building. He felt lazy and used the lift to reach the first floor.

The entrance door to Chambers was left open so that the names of the tenants, painted on it, could be read by stray solicitors. Although everybody except the insane and foreigners knew what type of person dwelt in Chambers, the amusing rules of the profession stated that these names must appear without embellishment—hence Oliver Hunt was not publicly granted the letters Q.C. after his name. So far as was known, no dire results had ever sprung from this enforced desire for anonymity but that was possibly explained by the fact that the general public seldom ventured into the Temple since they were convinced it had religious significance.

Alan opened the second door and entered. A long, thin, corridor gave access to the various rooms on either side. The second door on the right was the clerks' room, and Alan entered it.

The Chief Clerk was Mr. Primrose, and his assistant was a Miss Tulip, but it was a measure of their complete desiccated niceness that no one had ever had the urge to couple their names together in any of several doubtful jokes. Mr. Primrose was popularly

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supposed to have begun work as an office boy in the Temple the day Queen Victoria celebrated her diamond jubilee, and it was thought that Miss Tulip had not commenced so very much later.

"Well, sir, did you win?" asked Mr. Primrose in his soft, unhurried voice.

"I did. Judgement and costs. I gave the papers to the solicitor since he was in a hurry to have them."

"Maybe now they'll send some more work along—I had a word with their Chief Clerk and he said he'd try."

"That's what he said six months ago—the last time the firm sent me a brief." Alan grinned wryly. "It's lucky I don't have to rely on them or I'd starve. I've always got McGibbon and Berry."

Mr. Primrose smiled kindly so Miss Tulip did the same. They both knew that McGibbon and Berry sent Alan one undefended divorce every three months: which meant a yearly income of twenty-eight guineas.

"Nothing come in for me since last night?" he queried. It was not that he expected he had been asked to plead in the House of Lords—it was merely the ritual question all underworked counsel asked their Clerks, even if they had only been away from Chambers for fifteen minutes.

"No, sir, I'm afraid not," replied Mr. Primrose. "There is, however, the book on your table." He coughed.

Alan was well aware of the book on his table. It had been there for three weeks, an ever-present reproach since it recorded the fact that he owed Chambers the sum of forty-six pounds ten shillings and sevenpence halfpenny for the last quarter's rent and share of clerks' salaries. "I must write you a cheque," he said at last.

"Yes, sir."

"I'm afraid you had several more cups of tea than usual," remarked Miss Tulip—as though it was their cost that had so upset his budget.

Alan left the room as depressed as when he had entered. He crossed to his own room which was on the left of the corridor. The other two occupants were away and it was empty. He sat at his

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desk and regarded the small notebook with dislike, then opened it to make certain he had the correct figures in mind. He was not mistaken—the sum was so nearly fifty pounds it gave him some consolation to consider the enormity of the round figure. He wondered from where the money was supposed to come. He decided to telephone his wife and ask her.

He dialled the number, received the ringing tone, and then waited impatiently as there was no answer. He was about to replace the receiver when at last the connection was through. "Hullo, darling," he said.

"It's you!" There was no welcome in her tone.

"Yes," he answered weakly.

"I've had to come all the way down to answer this thing which means I've left the teapot balanced on a packing case."

He remembered they were moving—a move necessitated by the rent of the flat in which they had lived since they were married. "Have we fifty pounds in the bank?" he asked.

"No."

"Forty?"

"No."

"Thirty?"

"No."

"But I paid a large cheque in the other day," he protested.

"Two weeks ago, darling, and since then we've had to live."

He tried to solve a small problem in mental arithmetic and at last managed to do so. "Then we've only twenty-two pounds."

"Eleven," she corrected. "We paid for the furniture removal in advance."

"I've got to pay the Chambers' account."

"Tell them it can wait until they find you some work."

He wished women did not always give such impractically practical suggestions. Over the receiver he heard a sound that made him wince.

"That was the teapot," Belinda said grimly. "You now have even less than eleven pounds in our account."

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He replaced the receiver and studied the top of his desk which was as bare of briefs as that of the newest newcomer to the Bar. He looked across at Ross' desk and his gloom was further heightened to see it had at least four briefs on it.

"Aren't you going out to lunch, Mr. Pace?" Miss Tulip had entered the room. "It's very late."

He looked at his watch. "I'll get a sandwich, or something."

Her features assumed the tyrannical cast perfected by butlers and virgin English spinsters. "You'll never keep your health if you don't eat a proper meal, Mr. Pace. What would your wife say if she knew you wanted to refuse lunch?"

He struggled to his feet. When he had first arrived in Chambers he had tried to do battle against Miss Tulip's motherly cluckings but his efforts had ended in ignominious defeat.

"You go and have a proper meal now," she wagged a bony finger, "and when you come back maybe we'll have a surprise for you. I bet you won that case brilliantly this morning—they're bound to send you more work." She had a loyalty to those in Chambers that transcended all logic . . . and experience.

Alan reached the Strand by way of Middle Temple Lane. He was about to enter a snack bar and lunch on sandwiches after all, when at the last moment he quailed at the certain knowledge that Miss Tulip would discover all. She and Primrose ruled them with a rod of iron. Even Oliver Hunt, rapidly becoming a fashionable silk, did as he was told.

He had an excellent lunch, and with nothing else to do decided to listen to Hunt who was still engaged on the Patterson case. The court was crowded but he managed to find room on one of the benches.

The Judge looked as though he were asleep. The Associate had his head in his hands and was asleep. The Plaintiff's counsel, all three of them, were quietly discussing the new member of their Chambers. Oliver Hunt ignored their inattention and continued to speak at length, with much repetition, and with considerable

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skill in extracting every possible shade of meaning from the same set of facts.

Alan allowed his mind to roam. He wondered how much longer he could afford to stay at the Bar. 'Probably one year; possibly two. After that economics would force him away and into the sordid world beyond. He saw himself as a business tycoon, then as a refuse collector—with Belinda taking in washing. To those without influence, the Bar offered but one hope—luck. For every one who was lucky, nine were not. He saw himself turned away from the collection of refuse as he was sternly told. . . . His pessimistic thoughts were interrupted.

"I understand your argument, Mr. Hunt," the Judge observed.

His words brought a temporary end to the speech which had such a soporific effect, and it was as though a gust of fresh air danced through the courtroom.

"My Lord, I haven't quite finished," replied counsel in pained protest.

"Mr. Hunt, the term ends within six weeks and I had hoped to complete this case before then."

Oliver Hunt smiled blandly. "My Lord," he said, "I could have expressed myself at shorter length if I could have been certain I should be understood."

The Judge relapsed into apathy since it was certain his words would have little effect. The Associate returned to a sleep he had never really relinquished, and the entire court resumed its leisurely activities.

The only person present who really listened was the Defendant, who had briefed Oliver Hunt. Like all litigants he was vastly impressed by his counsel's loquacity and the longer the other talked the more he was convinced that the brief fee was a right and proper one.

Alan reviewed his career. Three years since he had completed his pupillage, four years since he had been called to the Bar. He had conducted a sufficient number of cases to give him confidence when on his feet, but most of them had come to him either through

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free legal advice centres or because one of the other members of Chambers had been unable to do them. This was not the way to acquire tame solicitors eager to forward him briefs. Admittedly there was McGibbon and Berry, but the elder McGibbon's promise to see him through the difficult period had proved to be worth twenty-eight guineas a year and not a penny more. Ever since McGibbon had visited his parents' home when he was five and had eaten a chocolate he had especially saved he had thought the solicitor a sly and perverse individual.

"That, my Lord, is the case for the Defendant and on those grounds I would ask for judgement and costs." Hunt sat down.

It was quite some time before it was generally realized what had happened. Everybody had so adjusted themselves that they heard not, and when there was nothing to hear they noticed no difference.

Hunt leaned forward and spoke to his solicitor who sat immediately in front of him. "I think I covered everything," he said.

The solicitor only just refrained from answering.

The Judge took judicial notice of what had been said and he eyed Hunt warily. Nothing more happened, and he cheered up. "Now, Mr. Stuart," he said brightly, "perhaps you have something to say?"

"Yes, my Lord, but I cannot hope to equal the impressive weight of my learned friend's address."

"Nor that of your learned friend's corpus," added Hunt, who was the lesser of the two men by a clear five stone.

The Judge felt more cheerful. Any reference to Stuart's overweight made that individual's temper a little shorter, and there was nothing more enlivening from the Bench's point of view than to have counsel rude to one another when one was trying a case that would have bored even a lover of the obituary column in the *Times*.

Stuart arranged his papers as he prepared to address the court.

Hunt assumed his expression of amused disbelief that was so effective with juries and had won him at least two cases at the Old Bailey.

"My Lord, this case is really rather a simple one—despite all the

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efforts that have been made to obfuscate the issue. Did the Defendant enter into this agreement, or did he not? If he did, is he bound by the express conditions, or warranties, call them what you will, or isn't he? If he is, then what is a fair measure of the damages that my unfortunate client has suffered. . . ."

The court adjourned at four and Alan followed Hunt and Mr. Primrose down to the robing room.

"I think we're home, Alan," said Hunt, as they walked along the stone-floored corridors. "I've clearly shown that the acceptance of the contract was conditional and that the condition was not fulfilled. If old Stuart can get round that one I'll eat my wig. . . . How d'you get on with your case in the County Court?"

"Won it."

"Thank the spirit; before I know what's what you'll be taking the briefs out of my hands."

They turned right immediately outside the main entrance to the Law Courts and entered the robing room. The place was filled with a jostling throng of counsel changing back into collar and tie, who listened as they did so to the latest jokes of the uniformed attendants.

"Coming back?" asked Hunt, as they left the Law Courts, crossed the pavement and prepared to use the zebra crossing to breast the flood of traffic.

Alan looked at his watch. "I guess I'll get back to the flat—we're moving today . . . by now we ought to have finished," he added, with a use of the word "we" that his wife would have deprecated.

"See you in the morning, then."

He watched Hunt vanish, pursued by Mr. Primrose who could no longer move as quickly as he wished.

Their late flat was a converted mews in a tucked-away corner near Sloane Square. It suited their present requirements perfectly and neither of them wanted to leave: more especially since their new cottage could only be called charming by an estate agent.

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Alan arrived and noted with reluctance that the furniture van was still there.

"Darling, you're just in time." Belinda managed to remain pretty even in slacks and with dust and dirt thickly upon her.

He sighed, but not too loudly. He wondered what she had been doing all day that the job had not been finished: he had been married long enough to know he should not voice such thoughts.

Four hours later they were at their cottage, with all the furniture under cover. Alan made a tour. He discovered that the rain undoubtedly came through the ceilings of the two upstairs rooms, and the signs were that it might continue on downstairs. Much of the plaster on the walls was missing or about to become missing, some of the boards of the floors were rotten, the bathroom seemed to have accommodation only for cold water, and the kitchen equipment would have been a welcome addition to any museum.

He hastily opened one of the packing cases and produced a bottle and two glasses.

"Here's cheers," he said.

She put her arm through his. "It's not that bad!"

"It's luxury compared to where we'll end up if my practice carries on at its present rate," he answered grimly.

CHAPTER TWO

ALAN awoke and stared at the ceiling. He estimated that in a gale the rainwater would land in the middle of his forehead. He wondered if they really had had to make the move. They could just have afforded to renew the lease of their flat, since both of them had private incomes which enabled them to ride the worst storms of economics, but until he earned a moderate income at the Bar the rent of the flat was disproportionate.

Their search for a new home had taken them so long that when they were offered the cottage at a yearly sum that seemed ridiculously little, they had not examined it too closely. He had claimed that he could do odd jobs and make the place a centre of comfort; and Belinda had agreed. Now, he was not so certain.

It looked as though a lot of water came through the roof—a large repair was needed. By elementary calculations he became convinced that the other half of the bed would remain dry. He wondered if Belinda would change sides.

"Heavens. It's eight," she said suddenly, as she awoke and looked at her watch.

"Ten more minutes and I'll make a move."

"Your train leaves in precisely one hour's time and you're to get up right now."

He groaned. All around them was good, fresh, country air only slightly polluted by the large houses owned by stock-brokers and dentists. It was undoubtedly a great attraction but it meant that London was some miles away, and that from then onwards he was chained to the railway timetable.

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"Darling," he said cautiously, "I don't think it was such a good idea, coming out here. If we made one or two real economies. . ."

She looked at him, and he was silenced. "Perhaps if I gave up eating?" she suggested.

He pretended not to hear, a difficult feat since she had spoken loudly and with a certain amount of vigour. He forced himself to leave the comfort of the bed, went to the window and tried to open it, but the last tenant had used a hammer and nails to make certain no such thing was possible.

He washed, dressed and shaved and ate his breakfast quickly and with an air of a martyr that produced no sympathy whatsoever.

"I bet it's a filthy journey to London," he said dismally.

Belinda nodded her head.

"It'll be one of these local trains that stop at every station and haven't got a corridor."

"Don't have more than three cups of coffee," she suggested.

He looked at her. "The carriage will be filled with business men who catch the same train every day of the year. They'll be as interesting as stuffed walruses with the moth."

"I expect so, darling."

He offered her a cigarette and lit one himself. "I must say," he remarked, "that for a loving wife you're not offering very much consolation."

"Alan Pace," she snapped, "ever since you woke up this morning you've tried to get me to comfort you for all the terrible troubles you're about to suffer. You've got to catch the train: you've got to do this, do that. What about me? What will I do in a place like this? I've checked in the paper I found upstairs and the only cinema has but two changes a week. What am I going to do on the other three days?" she finished sarcastically.

"The roof . . ." he began. He stopped as he realized he had not been tactful. Hastily he stood up. "I must be going," he said. He left.

Beechcroft Place Station was filled with black coats and striped



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trousers. Like a regiment of penguins, the business men stood three deep and read their papers.

The train arrived and with perfect timing each paper was lowered and at an unseen signal folded and placed under the left arm. Carriage doors were opened and in order of seniority the travellers ascended.

Alan sat down. He had hardly composed himself when the pointed end of an umbrella was brought into contact with his right leg.

"Young man, you're in my seat."

He looked up and examined the man who glared at him. The other was about fifty-five, face tinged with the bloom of good living.

Alan apologized. "I'm sorry—I didn't notice a reserved card." He turned and looked behind him. However, the carriage was bare of notices.

The man waived aside the suggestion with a flick of his umbrella. "Whether or not it's reserved officially has nothing to do with the present question."

"To my simple mind it has a great deal," retorted Alan, nettled at the other's tone of voice.

The remaining five occupants of the carriage lowered their newspapers until they could see over them and thus study the two who disturbed the peace.

"I have sat there every working day of my life and until now no one has had the gauche impudence to suggest it was not my seat," snapped the man.

"I doubt if usage can be prayed in aid of your claim. These seats are for any ticket holder and not just a specific one."

"How dare you. . . ." Further words were cut short as the train started with a jerk. The angry man was thrown backwards, into the lap of one of the other travellers. There was a grunt of pain. Then, as soon as he was recovered, the unfortunate recipient of the sudden blow raised his *Times* until it cut him off from the rest of the crazy world.

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The man regained his balance and held grimly onto the luggage rack. "I've always had that seat," he repeated. "Isn't that so—Harding?"

Harding, in a corner seat, hastily raised his *Times* until he was hidden from sight.

"Payne . . . you tell this damned scoundrel."

Payne retired behind his newspaper—it was the *Telegraph*, but then he was on the Stock Exchange.

The man realized he would have to conduct the proceedings without aid. "Are you going to get out of my seat?"

"No," replied Alan firmly. "Not until you have the manners to ask me in a decent fashion."

"You young ruffian—how dare you suggest I lack manners?"

Alan shrugged his shoulders.

"This is a first-class compartment." The man returned to the attack and spoke with a tone of voice which plainly indicated he thought Alan had not a comparable ticket. He was quite correct: but it was not the time to make such admissions.

"So I noticed," said Alan.

"I demand to see your ticket, and if the facts are as I strongly suspect, I shall see you incur the proper penalties."

"Unless and until you become a ticket collector my ticket stays in my pocket."

There was every sign of a verbal explosion when the train slowed down, then stopped at a station.

"In just thirty seconds, young man, you are going to learn that you cannot take my seat with impunity. I intend to bring an Inspector here immediately," he said furiously.

He descended from the carriage and searched the length of the platform, but the only uniform in sight belonged to the man standing at the exit gate, who collected travellers' tickets with an air of cheery good humour.

"There's a man in my seat," he said sharply.

"Fancy that," remarked the collector.

"I insist that you remove him."

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"Can't do that sort of thing, sir. Got to collect these tickets."

"I tell you he's in my seat. He's in a first-class compartment with a third-class ticket."

"Good," remarked the collector unthinkingly, before he added soothingly, "the guard will deal with him, sir."

The man swung round to try and find someone who would listen to him. He was in time to see the train begin to move. He started to sprint. Because he was a creature of habit he forgot that there were compartments to the rear of the train and he made for the carriage he had occupied for so very many years and which was near the engine.

He missed the train.

Alan, who had watched from the window, chuckled as he returned to his seat. "He'll have plenty of time to cool off," he observed cheerfully.

There was no answer. The five other occupants of the carriage drew their daily journals more tightly about themselves.

The firm of solicitors called Fitch, Fitch, Fitch and Cromby complied with tradition in that nobody by the name of Fitch or Cromby belonged to it. Their office was on the very outskirts of that part of London which is considered "right," and anybody who thought they knew would unhesitatingly have declared it "wrong."

The office was half-way along a street that contained a number of shops which purported to sell genuine quality goods when in truth they did nothing of the sort. Fitch, etc., were therefore unquestionably in the appropriate neighbourhood.

One entered the building by way of a door, the top half of which consisted of glass that had not been cleaned in thirty years. However, even the best solicitors had dirty doors since it was regarded as a badge of some respectability. One then climbed wooden stairs that creaked so much there had never been any need to install a bell for callers to summon those who dwelt within. At the top of the stairs was a corridor with rooms leading off to the right. The

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first door led into the waiting room, less clinical than a doctor's but without the diverse interests of a veterinary surgeon's.

Mr. William Stone climbed the stairs, entered the waiting room and waited.

The secretary, in the next room, eventually found time to put down her knitting and pull back the door of the small communicating hatch. She saw a small man with drooping moustache, baggy clothes and a vintage bowler hat perched precariously on one knee, and a general air of other-worldliness. She smiled at the humour of such a woebegone sight.

"What d'you want?" she asked finally.

"I want to see a solicitor."

"I know that," she retorted with the ready repartee of those who visit the films regularly, "otherwise you wouldn't be here, would you?"

"I mean I want advice," said the little man, almost apologetically.

"What about?"

"A wife."

"You require a divorce?"

"Not yet—you see I want a wife first." He tried to joke, but circumstances were against him. He continued hurriedly. "They promised me a wife but they've refused to carry out that promise."

She did not know who "they" were, but she thought they had some reason.

"So I intend to make them pay for it."

She studied him uneasily and remembered the time a man had called and told her he had just murdered his wife. He had.

"Can I see someone?" he repeated.

"What about?"

"I've just told you."

She considered the situation. The man was obviously poor, but since the introduction of Legal Aid that had ceased to be an insurmountable difficulty. Nevertheless, the present case was clearly not one with which either Mr. Tolley or Mr. Polson should be troubled, so in her wisdom she decided that the Chief Clerk could

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sort out the facts. "Hang on," she said and she closed the hatch.

Hammond, the Chief Clerk, had just made out the bill of costs in an undefended divorce suit. It was not the first time that he found much amazement, and some slight apprehension, at the size of the final amount.

"Bloke to see you," announced the secretary as she entered the room.

He peered at her over the top of his spectacles. "How many more times do I have to tell you how to speak?" he snapped.

"You know what you can do if you don't like it," she replied pertly.

He pursued the subject no further. "What's he want?"

"Can't make head or tail of it. He looks like a tramp and says he wants a wife, so I reckon he's barmy. Shall I show him in here? Thought I'd better not worry either of their nibs."

"He's badly dressed?"

"That's being kind."

"Then I'll finish what I'm doing," observed the Chief Clerk. "I'll tell you when he can come in."

William Stone waited patiently and at length he was rewarded. The girl minced into the waiting room and announced that he could see Mr. Hammond.

He followed her and entered a room that was filled with books and files, stacked up everywhere and anywhere. He sat down on the edge of a chair.

In one comprehensive glance the Chief Clerk summed him up as useless material. "Don't take too long," he said sharply, "I'm busy."

"Are you the Senior Partner?"

"I'm the Chief Clerk."

"I rather wanted to speak. . . ."

"They're busy. What's the trouble—rape, indecency, obscenity?"

The little man blinked rapidly. "Nothing like that," he said. "I'll start at the beginning. My name's William Stone and it was

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this advertisement." He searched in the pockets of his coat and after some time found a battered newspaper cutting. He handed it across.

Hammond looked at it. "Which advertisement?"

"Nodoze . . . the one with drawings."

There were nine drawings that illustrated the history of the most important period of a man's life, and how success eventually came through Nodoze Tonic. The hero was Fred, nearer thirty than twenty, who had always, unavailingly, wanted to be a social success. He was shown at a public dance where he asked a charming girl if she would partner him. She said she was very sorry but she did not feel too well. After Fred had departed in sorrow she confided to her best friend that she could not stand Fred, he looked listless and tired. Fred left the dance, returned home and dreamt that he was so popular swarms of beautiful girls vainly clamoured to become his escort. Rightly recognizing that this was a turning point in his life he went to the doctor that very morning and confessed his troubles. The doctor made his diagnosis. Fred slept too much. He could not hope to enjoy life when all his senses were dulled by sleep. He must drink Nodoze Tonic and stay awake. He did as was ordered and two weeks later went to a dance where the girls were immediately and dangerously attracted to him. The last picture of this touching case-history showed the bride and groom at a fashionable wedding, and the bridegroom admitting to an enthralled audience that he owed it all to Nodoze.

Hammond put the paper down on the desk. "What about it?" he asked.

"Have you read what it says underneath?"

The Clerk read the postscript. "Do you want to be a social success?" it asked, and since such a question must be by its very nature rhetorical, continued: "Take Nodoze—we guarantee it works miracles. If she won't look at you—take Nodoze. And if you can't find her, or she won't say that all important "yes" after you've taken Nodoze . . . we'll find her for you."

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"You've read it?" asked Stone eagerly.

Hammond nodded his head.

"I took it. I took it every day for four times as long as the instructions said, but nothing happened."

A vague idea formed in the Clerk's mind. An idea that seemed too delightful to be true. "What do you mean by nothing?" he asked, after a pause.

"I asked them and they still said no." There was quiet reproach in Stone's voice. "Even after I took a double dose one night and didn't sleep for thirty-six hours, they still said no."

"Go on," said Hammond, entranced.

"So I wrote to the Nodoze people and asked them what they intended to do about it: they didn't reply. I wrote again and this time they sent me a letter but all it said was that they were not Aunt Agatha's column in some sixpenny weekly sob."

"Sixpenny weekly sob," repeated Hammond, who wished to remember every single word.

"Yesterday I went to see them personally to demand my rights."

"What rights?"

"The girl they've promised to find for me, of course," he said it simply.

"What did they reply to that one?"

"They were rude and abusive . . . I wish to sue them."

Hammond chuckled. He imagined what the Judge would say when asked to grant specific performance. He laughed some more.

Stone flushed. "It's not funny."

"It's the funniest thing I've heard in years," contradicted the other. "A little bloke like you suing because this tonic didn't give you a wife—it'd be a riot."

Stone rose and drew himself up to his full height. "I did not come here to be laughed at."

"Then you shouldn't tell such ridiculous stories. Damn it man, just think: you had four times as much tonic as they said you should have—ask them for four wives! An then . . . and then . . ." He noticed for the first time that the little man had left.

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Hammond lit a cigarette and chuckled yet again as he remembered how witty he had been with regard to the four wives. He inhaled, blew the smoke towards the ceiling.

"What did the client want?"

He swung round and came to his feet. The senior partner of the firm, Mr. Tolley, had entered the room.

"It was an ounce-sized Romeo, sir," he said.

"What the devil are you babbling about?" Tolley had a very short temper, made shorter by the lobster he had insisted on eating the evening before.

"He was a tiny little man who demanded we ask the High Court to grant him specific performance of four wives; one blonde, one brunette, one redhair . . . and the other a mixture."

"You've been drinking."

So Hammond explained in full, and when Tolley understood he immediately decided to recount the story to the other partner, Polson.

"Apparently he came in here and wanted old Hammond to sue for four wives. One had to be English and brunette, one French and blonde, one American and redhead, one Italian and a mixture. You see, apparently he. . . ." Tolley, who delighted in dirty jokes of the less subtle type, lowered his voice. He finished up: "And he was so weak he wouldn't have lasted the first two nights. So maybe then he'd have wanted an injunction as well to . . . to. . . ." He was laughing too much to finish.

Polson refused to believe the story until it had been repeated for the second time by Tolley, and then once more by Hammond.

"I still say that it's too fantastic to be believed," declared Polson, who always spoke in a loud voice. "What kind of chap was this . . . this would-be Don Juan?"

"Tiny—dressed like a tramp, sir."

"A game little 'un, eh?" Tolley thought he had been even funnier than usual.

"What was the name of this Simon Simpleton?" queried Polson, who hoped he could make a pun from it.

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"He said it was William Stone, sir, but I think. . . ." The Chief Clerk became silent as he noticed the remarkable change in Tolley's expression. The other had been laughing with his large mouth wide open, and although the laugh disappeared, the mouth remained *in situ*. Into his eyes came an expression of pain. He tried to speak twice before any sound came, then he looked round wildly and found a chair into which he collapsed.

Polson wondered if he were about to become senior partner in the firm of Fitch, etc.

"William . . . William. . . ." spluttered Tolley. "William Stone is the shipping magnate."

They stared at one another with anguish.

Alan had arrived at Chambers in a good humour, brought about by the memory of the somewhat portly gentleman running for the train and missing it.

He entered the clerks' room. "I'm in," he announced.

Mr. Primrose was typing a draft Statement of Claim. He stopped, reached across the desk and picked up a very thin brief. "Morning, sir. Some work for you."

Alan eyed the brief hungrily. "When?" he asked.

"Eleven-thirty this morning at the Eastminster County Court, sir. Mr. Ross should have done it, but he had another case on Circuit so he asked me if I would get someone to do it for him."

"Not much time to study it—I'll have to start moving practically right away." He looked at his watch.

"Nothing to worry about, sir," soothed Mr. Primrose. "It's only a simple question of standard rent. We're the tenant and we're trying to get it reduced by six shillings a week. All the information you want is inside. The rent was restricted, de-restricted, then restricted again. Mr. Smith had a case on it last week. If you have a quick word with him, he can give you the authorities."

"I'll do that."

Alan left and walked along to the room at the end of the corridor.

Anthony Smith, in common with many barristers, had been

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washed into the quiet backwaters of the law at an early stage of his career. He had an excellent brain of the type able to encompass a mass of information, digest it, and then extract the material facts: he could read two or three cases and gain from them the law that had been applied: his paper work was meticulously accurate, and on his feet he was perfectly competent . . . yet he had never progressed beyond work of a County Court level, with maybe two appearances a year in the High Court, and he never would.

"What's up with you, prancing around like a ballerina?" Smith tried to hide his disappointment under a sarcastic manner, but comparative failure had left a mark on him that was not easily missed.

"Primrose said you did a standard rent case last week—I've got one this morning and I need the law on the question of a rent that's been restricted, de-restricted, then restricted again."

"It's all in the text books. If you could manage to take the trouble to open Megarry you'd find what you want."

Alan grinned. "I've got to leave Chambers in fifteen minutes at the outside."

Smith sighed. "The modern generation of barristers seems to have an insurmountable aversion to preparing its own work." He opened a notebook that lay on his desk. "Spears against Mathews. . . . Here we are. . . . There's only one leading case you need worry about, puts the whole subject in a nutshell. Six All England Law Reports nineteen forty-nine—Stewart and Dodgson. Take that with you and confound the Judge: which Court?"

"Eastminster," Alan replied.

He made an expressive gesture. "Then pray you get before the Registrar and not the Judge. Standforth sits there, and he suffers from gout and a wife. I was before him when he became so rude I downed tools and marched out of Court."

"What happened?"

"He sent the Usher out to find me and ask me to return: said it

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had been a slip of the tongue and he apologized. It was some slip: more like a base over apex cartwheel."

"I'll treat him with the very greatest respect," said Alan.

"How's the wife?"

"Very fit—we moved yesterday, down to Beechcroft Place."

"Good God!" exclaimed the other, "what on earth made you choose that part of the country? They don't usually permit you to cross the border unless you've got two ulcers, a Rolls Royce, and a pending divorce."

Alan left the room and checked on the bookcase in the corridor which contained the All England Reports. Half-way along the shelf he found the year he wanted, then the volume number of the year. He checked on Stewart and Dodgson to make certain it gave him the authority he needed for his own case.

It took him three-quarters of an hour to reach Eastminster County Court and another five minutes to robe and trace his client. He checked the facts of the case with the other man, then examined the lists and found to his disgust that he was before the Judge.

"You in Pawley and Candy?" asked another counsel.

"Yes."

"My name's Timothy, I'm for the Defendant." He half-smiled. "About this rent now," he asked in a confidential voice, "are you going to say that the break in control has an effect?" As he spoke he tried to make out which case book it was Alan had brought—had he succeeded he would have obtained a copy from the County Court Library and tried to trace what authority was to be brought against him. It was a perfectly legitimate tactic, but Alan had been at the Bar long enough to keep the spine faced towards himself.

"All depends," was his uninformative reply.

Timothy sighed. He had judged that the other was not a "new boy" from the shade of grey in his wig. "See we're before Standforth," he groaned. "You'll be all right—he loves tenants. It's the landlords he likes to tear into little bits."

Alan hoped he was right about that.

"Has anyone checked how many there are to go?"

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"Ten minttes ago we were three down the list—must be time we moved."

They made their way along a dimly lit passage, pushed open the swing door and entered the courtroom. Few members of the public were present and the only counsel were those engaged in the case being heard.

Alan walked quietly forward until he came to counsel's bench. Before he sat down he bowed to the Judge.

His wig surged forward too far to be restrained. It fell to the ground.

CHAPTER THREE

JUDGE STANDFORTH removed his spectacles and examined both Alan and the wig at some length. He was about to say something caustic when he changed his mind. He again inspected the fallen wig in a pointed manner and said: "A welcome sight for the Tories of this country."

Alan had tried to decide whether he should sit down and reach for the wig with his feet or accept the situation and move round counsel's bench and pick up the fallen object with such nonchalance as he could muster. The Judge's words came when he was still undecided. "In that case, your Honour, I trust your politics are as right-minded as your judgements suggest."

The Judge actually smiled, he was in fact still admiring his own attempt at wit but that was not apparent, and he addressed Timothy whom he knew from the other's previous appearances in court. "How say you, Mr. Timothy?"

Counsel realized he had been addressed and he rose to his feet unwillingly. "I beg you pardon, your Honour?"

Judge Standforth's smile became a little less pronounced. "I said, how say you?"

Timothy looked round surreptitiously as he tried to discover what the Judge meant.

"The wig," whispered Alan, "in the dust."

The remark was meant to be helpful, but it had the reverse effect.

"I said, a sight for the Tories, Mr. Timothy," repeated the Judge, and the familiar "bark" had returned to his voice.

"Where . . . where, your Honour?"

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"The wig," Mr. Timothy, the wig in the dust."

"I don't quite understand. . . ." He knew some intelligent remark was needed, but he had become too confused to be able to think up one.

Judge Standforth was forced to realize that his subtle touch of humour had not been appreciated by everybody. He replaced his spectacles and made a mental note that Mr. Timothy was not very bright.

Alan twisted to the right and thereby managed to reach the wig which he kicked backwards. He quietly bent down, picked it up, and carefully replaced it on his head. He looked up at the Bench and received an approving nod from the Judge who thought he was a promising young man.

Ten minutes later the one case was finished and Pawley and Candy was called.

Alan rose to his feet. "You Honour, in this case I represent the Plaintiff, and my learned friend Mr. Timothy represents the Defendant."

"For the sake of the Defendant it is to be hoped that his learned counsel has a firmer grip on the facts of the case than he has on the history of politics," remarked the Judge.

"For Heaven's sake," muttered Timothy dispiritedly, "what's the old coo' yelling about?"

"Whig in the dust," replied Alan, "Tory very glad."

"Good God!" observed the other in disgust.

"Your Honour," said Alan hurriedly, "the Plaintiff is the tenant of a flat which is one of three in a house at 46, Pear Lane Road, in the borough of Fairleigh. He has come to Court to-day to ask that the standard rent be declared as being eighteen shillings a week, not twenty-four shillings as is at present charged. The history of the letting is as follows: In nineteen seventeen. . . ."

"Eighteen," interjected Timothy.

The Judge took off his spectacles. "Does it matter?" he asked. "Does one year's difference alter the whole basis of your case, Mr. Timothy?"

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"No, your Honour," he replied, as he came quickly to his feet, "but knowing your dislike of minor inaccuracies. . . ."

"Continue," retorted the Judge.

Alan spoke very shortly, then picked up the All England Law Reports and opened the book at the page in which he had left the marker. "Your Honour, in Stewart and Dodgson it was held. . . ."

"That's all right, Mr. Pace, I'm well acquainted with the case in question. I am waiting to see just how Mr. Timothy intends to argue round it." The Judge smiled.

Alan quickly called his evidence and then sat down.

Timothy addressed the Bench. "Your Honour, perhaps it would be best if I dealt with Stewart and Dodgson first."

"Certainly . . . if you can."

"In that case the standard rent was. . . ." He argued well, but no one was very surprised when he failed to convince Standforth.

The standard rent was reduced.

Alan collected his books together and prepared to leave. He bowed to the Judge. His wig remained firmly in position.

"Dear me, Mr. Pace, the electorate is very fickle to-day." That quip kept Judge Standforth in a good humour throughout the next case, much to the astonishment of the counsel engaged, both of whom had nerved themselves for the meeting by mentally compiling long passages of soothing words to be brought forward at the most appropriate moments.

A small, untidy man seated on one of the public benches watched Alan leave the Court. Pace, he said to himself, Alan Pace—an excellent young man. He wrote the name in a small notebook. Not in the least put out when his wig fell off, took it all calmly. He's the man I need: someone who is not afraid to tackle the unusual.

William Stone stood up.

As he did so, the outer door was hurriedly opened. Polson peered within and sighted his quarry almost immediately. He forgot the surrounding circumstances. "Mr. Stone," he called out at the top of his voice.

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There followed an awed hush.
The Judge took off his spectacles.

When they had learned the identity of the would-be client turned away from their doors, Tolley, Polson and Hammond felt ill.

Tolley was a large man with a round face and the type of character always termed good-humoured by those who do not know it. He played golf and had once been seen as he picked the ball out of a three-inch hollow having made the mistake of believing that a large bunker hid him from view.

Polson was lean from beginning to end. His body was a series of parallel straight lines which looked as though they would confound the theorem and meet before infinity. His mind was lean of anything but the permitted scale of fees and an instinctive appreciation of every twist and turn in the erratic line that divided profit from criminal consequences.

Hammond had been Chief Clerk to the firm for so many years that even had he been of an honest character when he began work, in the intervening years he was bound to develop into just the man the two partners required.

"William Stone," said Tolley tragically, after the very long pause.

"Are you sure?" queried Polson.

"Of course I'm sure. He lives in this district. His photograph is in one of the magazines we've got here. . . ." He searched through the rooms and quickly found it. He opened it and showed the photograph to Hammond.

The Chief Clerk looked, closed his eyes and painfully nodded his head.

"I wish we'd never learned the truth," said Polson in hushed voice.

"He's a millionaire." Tolley seemed to enjoy rubbing salt into the open wound.

"We've never had a client with that much money we could handle."

"Think of the business he must do each year!"

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"Think of the advice he would have needed!"

Hammond, a man whose soul still had its sensitive points, could stand the tale of woe no longer. "He didn't want us to handle his business affairs: he only wanted us to handle an impossible case."

"Impossible? *Impossible?*" cried Tolley, horrified.

"That advertisement, sir . . . the four wives. . . . You know how funny you thought it. . . ."

"Funny, Hammond? *I* thought it, *funny?*" Tolley was indignant. "No case is funny when the litigant seeks justice. What humour do you find, Hammond, in the man to whom wrong has been done. . . ?"

"Never mind all that," said Polson with practical directness. "What are we going to do about it? . . . We'll never be able to forgive ourselves if we don't find him. It's our duty."

"You couldn't handle that case," protested Hammond.

"Why not?"

"Well, it's . . . it's. . . ."

"Have you studied the law in this matter?"

"No, sir."

"Then perhaps you'll leave us without your considered judgement until such time as you have done so."

"Wasn't there a case about puff balls?" asked Polson. "Something about them and influenza?"

"I believe you're right," agreed Tolley excitedly.

"As I seem to remember it it could have considerable bearing on this case."

"I don't doubt it."

"Then we can truthfully say we have authority, very strong authority in our favour."

"We must go carefully at this point," Tolley reminded them severely. "Our duty as solicitors is to advise our clients to the best of our ability, impartially, honestly, and without hope of favour."

"Amen," said Hammond.

"We must not advise Mr. Stone that his case is possible unless

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we genuinely believe it to be so. Do any of us here say that he most definitely has no cause of action?"

"How can we when we have this case as an authority?" objected Polson.

"I agree. As an honest man I am forced to agree. We must inform him of that fact. . . . Look up the case later, Polson, and find out what it's about."

"Very good."

"How are we going to tell him," asked Hammond in a small voice, "that we've changed our minds? And how do we get over the fact that I . . . I . . . well, I didn't recognize the justice of his position?"

"We must find him and apologize;" announced Tolley, "we'll tell him you are mentally defective."

"Then he might not want to do business with us," said Polson gloomily.

"The important thing is to find Stone before it's too late and he goes to some other firm. There's no counting what harm he will suffer if he falls into doubtful hands."

Polson shuddered at the unhappy prospect.

"We'll have to work quickly—first thing we can do is telephone his house."

"I'll get the girl to do it," said Hammond, eager to make amends.

The butler was able to tell them that Mr. Stone had returned to the house and had then declared it to be his intention to visit the nearest County Court.

Polson was ordered to find this client and exercise all his charm. He caught a taxi, even though Eastminster County Court was directly accessible by bus. He searched the Registrar's Court first, then entered the Judge's Court. His relief at the sight of a figure that could only be the missing client was too much for his self-restraint. He called out: "Mr. Stone."

The Judge placed his spectacles on the top of his desk with great deliberation. He leaned forward. "Who are you?" he asked.

Polson started nervously. He looked round as though seeking

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cover. "I'm Polson, your Honour," he eventually said.

"Highly interesting."

"Your Honour, I . . . I . . ."

"Speak up, man. Explain to me why it was you treated this Court as though it were a public bar." He meant no pun. "Try to convince me that I should not find you in contempt of Court."

"I was looking for someone, your Honour."

"Were this a bureau for missing persons that would still not excuse your deplorable manners."

"Yes, your Honour."

"Is that all you can find to say?"

Eventually Polson was allowed to retire. He departed from the courtroom at a rate of knots, and once outside breathed a vast sigh of relief. Then he remembered that Stone was still inside. His sense of duty and scale-fees overcame his fear. With the stealth of a Red Indian he slowly opened the door of the court and looked inside.

The first thing he saw was Judge Standforth about to become really annoyed.

He closed the door hurriedly and eased a trembling finger around his collar, then caught hold of the arm of a passing usher and audibly fingered two half-crowns in his pocket. Two and a half minutes later William Stone came out of the courtroom.

"My name's Polson."

"So I gathered," replied the other.

"I'm junior partner in the firm of Fitch, Fitch, Fitch and Cromby." He spoke rapidly. "We've only just heard that you had the extreme misfortune, sir, to be interviewed by our lunatic."

"I don't know who he was, but I have seldom. . . ."

"You must forgive him, sir." Polson cunningly edged them both along the corridor. "He . . ."

It was a good story and a tribute to Polson's powers of invention. They arrived at the offices.

"Yes, sir," said Tolley, "I've looked into the law and although," he chuckled and gave the impression that what followed was

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nonsense, "we can't guarantee success, we can certainly do the next best thing—provided things stay as they are at the moment," he hastened to add, as a form of insurance. "If you'll give us the facts of the case we can study them thoroughly and then take the necessary steps. Of course it can only be a question of damages—I'm afraid we can't sue for four French wives. . . ."

"Four French wives?" queried Stone in a perplexed manner.

"However," the other hastened to continue, "it's the principle of the wrong that matters. These people must not be allowed to make false promises with impunity. If they say a thing will happen, then they have a duty to the world. We'll set the well-oiled wheels of justice in motion, Mr. Stone. We believe in the sanctity of an individual's freedom. We'll brief eminent counsel, who will. . . ."

"I've decided on my counsel," Stone interrupted.

"I beg your pardon?" Tolley was shocked.

"I've chosen whom I'll have."

"I'm sorry, Mr. Stone, but it's one of the little arrangements of the legal profession—designed to make everything run smoothly—that counsel can only be briefed by a solicitor. So much more satisfactory," he added, thoughtfully, at the same time as he unconsciously caressed a pound note in his top pocket.

"You don't quite understand me. I have the name of the man you'll brief."

Tolley was upset. The firm had certain arrangements with certain counsel and it seemed unnecessary to go outside them.

"What's his name?" he asked at length.

"Alan Pace."

Polson opened a glass-fronted case and took out of it a large book. He searched rapidly through the pages which contained the names of all the counsel at the Bar, then grunted. "It's impossible," he protested.

"What is?" snapped Tolley.

"Alan Pace was only called four years ago."

"Four years," echoed his partner, horrified. "He's hardly completed his pupillage. . . ." He turned in haste. "Mr. Stone,

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I'm sure you didn't realize he was a complete beginner. Why—in four years he'll hardly have done a single case: no one would give such papers to an inexperienced man."

"Then how does he gain experience?" asked Stone with interest.

"I'm sure I don't know, but we brief only those counsel who have it . . . you must see how impossible it would be for a complete beginner to handle this case. Now if you'll take my advice, we usually send our work. . . ."

"I have decided to have Alan Pace," said Stone, and surprisingly his words carried a note of command.

Alan caught the five-thirty train to Beechcroft Place and when he finally arrived at the cottage, hot and dusty, it was to find no one in.

He called out four times, then came angrily to the conclusion that on his first day he had been deliberately left to face the horrors of an empty house.

He wanted a cup of tea and because there was no one to brew it for him the desire became an obsession and his throat contained a fire that could only be quenched by hot tea. He came to the awful conclusion that he would have to make it himself.

He could not find the tea, and when Belinda returned it was obvious she was only just in time.

"Where's the tea?" he asked furiously. "Tell me now so that in future when I return from a hard day's work, exhausted, crippled by thirst, to find that everyone has gone out and left me to fend for myself, I can at least prepare. . . ."

"Behind you," she interrupted. "It's really my fault. I left it in a tin marked 'tea'." She pointed to a container that he had overlooked.

Alan tried to keep his anger at the pleasing pitch it had attained, but the facts were against him and when she laughed he did the same.

She made tea and afterwards he felt very much better.

"How was the day, darling?" she asked.

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"I had another brief."

"No! . . . That's two running. Alan, you're starting to gain a practice."

He grinned. "Yesterday the brief came from a free legal advice centre, to-day it was something Ross couldn't do. Neither of these is likely to lead me to solicitors with tender hearts."

She sat down on the arm of a chair. "There must be something you can do to get your name known."

"I might put it up in neon lights in Piccadilly—Pace gives a square brief—but the Bar Council would undoubtedly take offence at the novelty of the scheme and the Benchers of my ancient and honourable Inn would probably all have fits and their widows would sue me under the Fatal Accidents Acts."

She sighed. "I thought McGibbon and Berry promised to send you masses of work—that's what you told my father when he asked you how you intended to keep me in the style to which I was accustomed."

He lit cigarettes for both of them. "Had to fob off your old man somehow," he said. "As for that firm, if it weren't for one little thing I'd tell the various partners a few home truths."

"What stops you?" she asked.

"Twenty-eight guineas a year," he said sadly. "Twenty-eight miserable guineas is my price. You'd have thought a firm as big as they are could have sent me something more than four undefended divorces a year, wouldn't you? They're a sensible concern who believe in fighting whenever they can . . . but if somebody does remember my name they must reckon I'm too young to be trusted without diapers on."

"Alan—what are you going to do to try and find some work?"

"What can I do, other than the same as ninety-five per cent of all the other poor devils at the Bar? Wait. Wait in Chambers day after day, hoping like hell that the ring on the bell at the front door means that at long last someone has remembered Alan Pace, Esq., Barrister-at-law, unemployed."

"If you had more women in the business you wouldn't have such

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a stupid old-fashioned system as you've got now," said Belinda with some force.

"There're more than enough of them in it already. Nothing looks or sounds quite so silly as a woman addressing a jury."

She took no notice of his words. "If we were allowed to say we'd stop this stupid rigmarole where you're not known until you've had work, and there's no work until you're known."

"And how would you go about it?"

She flicked her ash at the fireplace, missed, and sighed.

"Do away with solicitors," she said simply. "Let the public deal directly with the barristers."

"Women!" He put all possible scorn into that one word.

"What's wrong with the idea?"

"For one thing, how could the barristers collect all the evidence?"

"Let the barrister brief the solicitor to do the dirty work."

Alan looked shocked.

"It's not so crazy as you think. Solicitors would still deal directly with the public over things like conveyancing, so that they'd be assured of a living. But the public would have to seek out barristers to do their litigation and that would mean the work would be bound to be spread more evenly."

"You're crazy."

"Just tell me what's so crazy about my idea—apart from the fact it happens to be new?"

He contented himself with a muted snort of ridicule. "Women!" he said for the second time.

"You think we're useless?"

"Completely."

"Nothing I personally say or do could possibly help you?"

"Nothing."

"Then I'll tell the Currys not to drop in to-night."

He twisted round in his seat. "Who the devil are the Currys?"

"This morning your wife decided that it was high time you made

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your mark in the legal world. So she got herself run over by an expensive car."

"Belinda?"

"It's quite all right. The only things damaged were my nylon stockings and I bought myself three new pairs on your behalf because I knew you'd want me to recover from the shock. . . . The car was driven by a woman who didn't know which way she was going, but who had the sense to take me to her home for a soothing cup of tea; one, because she really felt she ought to make some sort of apology, two, to try and make me agree that I'd suffered no real damage. Mrs. Curry . . ." Belinda looked at her nails, "is the wife of Mr. Curry. Mr. Curry is a very senior partner in the firm of Seabord and Curry."

Seabord and Curry were the largest firm of solicitors in the City. They were the largest firm in London.

"They're coming here—to-night?" he asked with awe.

"They are."

Alan could see a brief. On it was marked one thousand guineas.

"So, your wife has done more to further your career than your Clerk, your McGibbon and Berry, and anyone else you care to mention."

"Darling, I hope you didn't. . . ." he began.

"Didn't what?"

"Advertise the fact that I'm a barrister."

"What are you talking about?"

"It's so very difficult," he said. "As soon as you meet a solicitor and he hears you're a barrister he will think you're going to try and get some work out of him. Half the time they tell you they don't handle litigation before they've finished shaking hands.—You didn't tell this woman I wanted work, did you?"

Belinda looked annoyed. "I apologize for being run over," she said grimly.

"You don't understand. . . . Look, the only thing we can do is not to mention the law from beginning to end."

"What's the point of their coming here if we don't?"

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"If he should happen to ask what I do I'll casually explain that I've got a thriving practice."

"Two briefs in seven weeks!"

"I'll give him the impression that I'm completely independent of all solicitors."

"Very well, you do that."

"We'll make it quite clear that we haven't put ourselves out in the slightest for their visit. We've only gin in the house and if they don't like it they'll have to go thirsty. I'll change into something more comfortable and more informal."

"Yes, dear," she said.

Two hours later there was a knock at the front door of the cottage. Alan, in his best suit, hurried to open it. A woman swept inside.

"Good evening," she gushed. "I'm Mrs. Curry. Mr. Curry asked me to apologize but he is thoroughly out of sorts; he just can't come. . . . Hullo, my dear, are you all right now?" She greeted Belinda with the affection of a five-year friendship. **"I was just telling your husband that Steven couldn't come. A dreadful thing happened to him this morning. He went to sit in his usual seat in the train and some fresh young man was already there and insisted on remaining. . . . Why, Mr. Pace, whatever is the matter?"**

CHAPTER FOUR

THE Clerks' room was in its usual early-morning state of upheaval. Oliver Hunt added to the confusion as he rushed in and demanded to know where his books were.

"I left them there." He pointed to the side of one of the desks.

"All the books I need this morning."

"They'll be all right, sir," soothed Miss Tulip.

"They won't be all right—they're missing. How am I supposed to present the case if I haven't any books? Look at the time—ten to ten. Forty minutes before the Court sits and I haven't any authorities. Who's taken them?"

At that moment Mr. Primrose entered.

Hunt called out before the Clerk was half-way through the door. "My books, Primrose, they've vanished. I left them here last night."

"I've taken them across the way, sir," was the unhurried reply.

"Oh! . . . My robes?"

"They're still over there, sir, from yesterday."

"What about the solicitors?"

"They'll be outside the courtroom at ten past ten, sir, to have a word with you about Gravin's evidence."

"Why didn't someone tell me he'd make us all look silly? How can I cross-examine him without some evidence to go on?"

"Perhaps that's what the solicitors will see you about, sir."

Hunt muttered something, turned sharply and left the room. He collided in the doorway with Ross, who was in a hurry quite as great. Neither man wasted time on apologies. Time was vital.

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"For Heaven's sake, Primrose, get on the 'phone and see if they can put off my case at Sessions until this afternoon," said Ross, before he was fully in the room.

"They're not very good there, sir. They don't like to change the lists."

"You talk to them nicely. I must be down at Pudlow this morning."

"You didn't say you had a case on there," accused Miss Tulip. "We've no record of it, Mr. Ross."

"Didn't know myself until last night when Bill Myers rang me up. One of his friends was found in somebody's garden and the police have decided to charge him with everything in the calendar—he was only there in the hopes of peeping and that offence comes under some Act that goes back to the dim and distant centuries. He looked at his watch. "Damn it, I haven't even time to check. Get someone here to look up the books and find out what crime a Peeping Tom commits and what the maximum penalties are, and I'll ring up from Pudlow for the answers. And get that Sessions case put off until this afternoon." Another member of Chambers entered. "Hullo, Morgan, just the man: you may be one of these woolly Australians but it's about time you did some work. How's Joanna, fit? Look, find out. . . ." He issued instructions.

The telephone rang and Miss Tulip spoke to a solicitor who wanted a set of papers he claimed were long overdue.

"He's had them over two weeks now and we were supposed to have sent them to the other side within seven days. It was only a simple amendment of the Defence: surely he's done it by now?"

"I'll see," she replied with dignity. She stood up and inspected the shelf over the gas fire on which all the completed papers, ready for the solicitors, were kept. She could not find what she wanted and she walked through to the end room and spoke to Anthony Smith.

"Rackman on the 'phone, sir. They want the papers in the Arnold case—said it was an amended Defence."

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"When did they last pay me any of the fees they owe me?" he asked.

"It's some few months now, sir."

"Then tell them they can have the papers when they've settled my account."

"Yes, sir." She then continued with unhurried firmness. "I'll say they will be ready by lunch time."

"You can tell them what you want, but I've no intention of touching anything more of theirs until they pay. . . ." She had left the room. "Blast," he said. He searched through the papers on his desk until he found those of the Arnold case.

Paul Simmonds arrived, bade those in the office a courteous good-morning and then walked solemnly to his desk in the room he shared with Smith. He was a man of sixty who rarely had any work to do but he never seemed to worry over that fact.

Mr. Primrose left to join Oliver Hunt in a conference outside the courtroom and Chambers gradually relaxed into their normal placid existence.

Alan, who was late due to the fact that he had missed the train, entered his room and sat down at his desk. Ian Crain looked up.

"Morning, old boy—what the devil's five across?"

Alan inspected his newspaper. "The fourth monkey . . . seven letters. . . ." He stared at the ceiling. All about, in other Chambers in the Temple, barristers stared at ceilings as they tried to solve the intricacies of the *Times* crossword puzzle, the author of which probably never knew the hours of patient waiting he helped along. "Evil . . . listen . . . sense. . . ."

"Heard the latest one about the Lord Chief Justice, Alan? Morgan told it to me this morning—damned if I know where he gets hold of them. Apparently the L.C.J. was trying twelve men who were charged with. . . ." Had the worthy Judge heard the part he was supposed to have taken in that case he would have been highly incensed.

Alan smiled, but his mind had returned to the previous evening. Mrs. Curry had stayed a considerable time and although she was

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as self-satisfied as a Mayor's parlour, and an incurable snob, he and Belinda had been nice to her, very nice—purely in the spirit of good-neighbourliness, let it be added. Until she left, everything had been successful; after he had seen her to the house and returned, Belinda had demanded to know what had been so significant about the train journey. He had tried to pass off the reference as a joke, but she had, as always, shown a fiendish brilliance in suspecting the truth when it was not politic that she should do so.

"So there you are—should we sue in tort or in contract? Do we sue the firm or the manager, or both, and do we bring in the car across the road that crashed and so distracted the driver's attention? Is there a proper chain of causation between the two incidents—or isn't there? It's a mess," finished Crain, "and I think Smith should advise the solicitors to consult a lawyer."

Alan realized he had completely missed all that had been said, but as it did not appear that any particular comment was called for he said nothing.

Crain stood up, yawned. "D'you hear Anthony Smith did a case for three the other day?"

"Three guineas?"

"All the way down to some wretched little Police Court for three guineas. A man with his experience shouldn't be allowed to appear under ten or fifteen. Fat chance we younger ones have to find work when the clients can have a man of his experience for the same price."

"I expect he'd have done it for two. He can't afford to turn anything up."

"They say he's always at least six months in arrears with the rent."

Alan hastily looked at the top of his desk and noted that the little book was still there.

"Heigh-ho! I'm going out for some coffee since that's the only thing that's boiling up round here—coming?"

He shook his head. "Never know—something may turn up suddenly."

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"Only our toes . . . through starvation." Crain left.

Alan picked up a pencil and drew the figure fifty. He multiplied it by four and reached the sad conclusion that two hundred pounds a year was a great deal of money to pay merely for the privilege of sitting at one of three desks.

Miss Tulip interrupted his sombre thoughts. "Do you know a firm of solicitors. . . ."

"No," he said.

She took no notice of him. She treated all members of Chambers in the same way as she would have treated her children had she ever succumbed to the lures of the flesh. If they were unwell, or suffered some grievous mishap, she nearly smothered them with maternal care: if they were merely petulant because in the innocence of their youth they thought they should have a practice within ten years of their Call, then she either ignored their immature outbursts or verbally spanked them for their own good. ". . . Called Fitch, Fitch, Fitch and Cromby?"

"They sound refreshingly dishonest."

"They're sending you some work," she remarked severely.

"Their name assumes the ethereal beauty of a heavenly choir." He considered the matter seriously. "Are you sure they want me?"

"Your name is Mr. Alan Pace?"

He suddenly grinned. "Then it's a genuine miracle, or were they present at one of my *tours de force* in Court? Miss Tulip, that's the answer! One of the little Fitches heard me argue a tricky point of law with such brilliance he was forced to take a note of my name."

"I spoke to a Mr. Hammond. He said it was because your wig fell off."

Alan realized that success hung on slender threads. "Next time I must remove my trousers," he muttered darkly. "Then nothing can keep me out of the Court of Appeal."

"Mr. Hammond was the Chief Clerk, Mr. Pace. He told me what the case was about but all I could catch was some nonsense to

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the effect that it was a breach of contract because there was no wife."

"It doesn't matter if a Sultan's Harem is suing for divorce so long as I get the papers."

"He wanted to know what experience you'd had."

"Did you tell him?" he queried nervously.

"Certainly not," she answered severely. "I said you were frequently in Court . . . which you are, even if it's not as counsel."

Miss Tulip left the room and Alan pondered on the incredible fact that solicitors desired to brief him.

The papers were delivered two hours later by a small tough whose spare time activities were centred round Clapham Common. He handed the brief to Miss Tulip and departed whistling. She entered the name of the case in the files, took the papers along to Alan.

He looked at the instructions. "To settle Writ." He opened the back-sheet and read the short note the solicitors had typed inside it. They referred him to the evidence of Mr. Stone of which a copy was included, to the advertisement, and to the bundle of correspondence. (They had already taken several copies of this last item: every one of which cost the client a not inconsiderable sum of money. The firm of Fitch, etc., believed it their duty to provide for all manner of accidents.)

Alan read the various documents, put them down on the desk and considered the matter. He decided he needed advice, and he went along the passage to speak to Anthony Smith.

"Might I have a word with you?" he asked.

"If you've come to trespass on my vast knowledge you may offer me a cigarette." Long ago, Smith had ceased to worry when he smoked more of other people's cigarettes than he did of his own.

Alan did as he had been asked, then sat down on the edge of the other's desk. "What do you do when you're asked to handle a case you think shouldn't be brought?"

Smith inhaled deeply and blew a smoke ring. "Do you want me

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to answer on the basis of common sense or high-minded stupidity?" he asked.

Alan made no answer.

The other spoke slowly. "In all professions there is a small body of highly successful members, all of whom feel obliged to get together and pontify. The Bar is no exception. We have our successes who seem to feel that their only task in life is to try and stop others climbing as far as they have reached. These worthy gentlemen lay down hundreds of rules regarding the conduct of barristers, but unfortunately their heads are so far above the clouds they have no idea when it's raining on their feet. Consequently they say we must on no account seek work, smile at solicitors, or handle any case we do not believe has a sound basis on which it can be brought . . . and it matters not that the would-be Plaintiff is determined to bring the case and if one counsel refuses to do it, there's certain to be another who's not so squeamish."

Alan reached for the ash-tray.

"The common-sense view is slightly more comprehensible. If you don't do the case, the solicitors instructing you will be annoyed and won't send you anything more: there can be no certainty about anything, and who are you to say a case is impossible? Why should you be expected to cut your own throat? Finally, if anyone ever criticizes you for unethical conduct you can be perfectly certain his waistband will be well distended with the fruits of good-living."

"Care to look through these?" He handed over the papers.

Smith read rapidly through the documents with the professional "trick" of noting only those facts which were material to the case. When he had finished he stubbed out his cigarette. "If you take my advice, you'll telephone the solicitors and tell them they're on very sticky ground."

"Taking the high-minded stand?" queried Alan laughingly.

"It's an odd and sad fact, but when you've worked in the Temple as long as I have, it's difficult to be completely commonsensical," he said as he stared out of the window. "There's something of the public-school prefect system about our way of life: we're here as

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figures of trust and it takes a thick skin to ignore that. We're ruled by no laws, which makes it very difficult to do anything illegal." For a brief moment his features softened, and there was almost pride in the way he spoke. Then his more normal, sarcastic, expression returned. "Which explains why the unscrupulous ones go straight to the top."

"I'll give the solicitors a ring."

"With a name like they've got I don't think you have to worry. They're not very likely to throw away the chance of a nice long civil suit . . . that's where solicitors are so much luckier than we are. They're not expected to be honest."

Alan stopped at the Clerks' Room and asked Miss Tulip to get the number, then he returned to his own room and sat down. He drew on the blotting-paper in front of him and wondered who and what Mr. Stone could be.

The telephone bell rang once and he lifted the receiver.

"Hammond here," said a voice that even through the distortions was belligerent.

"Pace speaking—I've just received the papers in Stone against Nodoze Products Limited."

"I know."

"I've read them through and I don't like them."

"Why not?"

"The cause of action is on rather weak ground."

"We thought it was perfectly adequate."

That was the crack of the whip and only many years of experience enabled counsel to ignore it.

"It's very doubtful in my opinion. Unless the Plaintiff. . . ." Alan said uncertainly.

"Mr. Pace, we are in full possession of all the facts. Your instructions were not to give an opinion but merely to draw up the draft Writ."

Hammond spoke truculently and with all the authority he knew he possessed because he was dealing with a beginner. He gained

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immense gratification from the knowledge that the other would not dare to answer him back.

Alan counted up to ten. Then added another five. He felt he could speak without using certain words of an indelicate nature.

"Very well."

"That the lot?"

"That's the lot."

Hammond replaced the receiver, and walked along to Polson's room. "Just had the young man in Stone and Nodoze on the telephone," he said. "Tried to tell me how this firm ought to run itself."

"Did he tell you that the cause of action was a bit thin?"

"Yes, sir."

"I knew we should have briefed Jones—there'd have been none of this trouble."

"I made it quite clear we wouldn't stand any more nonsense from him."

"Stone's going to cause us more trouble than he's worth."

"Not than he's worth, sir," chuckled the other.

"You old rascal," said Polson delightedly.

Back in the Temple, Alan wondered how to draw up the Writ. Should there be some slight detail, or only the barest possible statement? How did one ask for damages for a wife one had not been given?

He decided that the proverb "least said, soonest mended" was of more practical use than any Latin maxim.

Draft Writ.

The Plaintiff's claim is for damages for breach of contract. He studied what he had written, took it along to Miss Tulip.

"I haven't done the headings, but it's Stone and Nodoze Products, Ltd."

She inserted a large sheet of plain paper into the typewriter. "Have you told them it's a doubtful case?" she asked—almost sharply. He nodded.

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"Then that's all right—it's their funeral."

She typed the few words, put the paper into the brief. Alan signed the back-sheet.

The brief was placed on the shelf to await the coming of the young thug employed by Fitch, etc.

The next day the Writ was issued—two copies of it were taken to the *High Court*; one was retained, the other was stamped with a seal and handed back.

The Writ was served on the Defendant Company.

The case of Stone against Nodoe Products had begun.

Mrs. Agatha Curry loved new acquaintances.

She decided that the Paces must be welcomed to the neighbourhood with befitting ceremony and she informed her husband of that fact.

"I've invited them to dinner to-morrow evening," she said.

Steven Curry grunted something, reached into his pocket for his pipe.

"And don't you do your usual trick and dislike them before you've even met them. They're both very charming."

"What's he do?"

"He's a promising young barrister."

"Ha!" He nodded his head vigorously and with a certain degree of pleasure. "Young barrister! No wonder he's hanging on to my coat-tails already. We'd better get one thing straight—you can tell him he gets no work from me."

"I don't expect they have the slightest idea what your job is," she retorted angrily.

"I'll give you any odds you like they've even looked in the Law List to see what firm I'm with," he snapped. "And what's more, I'll bet you he's in that cottage," he pointed with the stem of his pipe at the far window in the lounge, "with his tongue panting, waiting for the work I'm not going to give him."

Alan looked at the big house through the cottage window.

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"Wouldn't hurt the old swine," he said, without any real malice in his voice.

"What wouldn't?" asked his wife as she brushed her hair.

"To give me some work. He could start with something like undefended divorces."

"I thought you didn't like that kind of case? You always complain when McGibbon and Berry send them to you."

"My grouse is quantity, not quality," he replied. "A firm like Curry's could send me four a day and not notice the difference. Four sevens are twenty-eight. Twenty-eight guineas a day—we might just manage to live on that."

"Not if we really had it," she said dreamily.

"Bet the old basket won't come across."

"At least, darling, we're having a state dinner with them."

"What d'you think he'll say?" he asked with a trace of nervousness.

"When he sees you?"

He nodded his head.

"Could you deny the whole thing, Alan? Say it was someone who must look very much like you?"

"As soon as we get inside the front door I'll cry out—'Mr. Curry, it wasn't I who took your seat and made you miss your train. I know nothing about it. I . . .'"

Belinda threw her hairbrush at him and it made sharp contact with his right ear. He gave a cry of pain, left the seat by the window and advanced upon her. She crossed her fingers.

"Pax! It's time we started work."

"Coward."

"You've got to mend the roof before it becomes too dark to see."

"I've a good mind to. . . ."

"Yes, darling." She kissed him, and when he forgot what it was he had intended to do she gently pushed him aside. "Work," she said.♣

"Damn it," he muttered. "Now I know why people get divorced."

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Twenty-four hours later the two families were once again discussing each other.

"Not a thing does he get from me," repeated Curry for the ninth time.

"You know," said Alan, "if I make it clear that I don't want any of his filthy work he might just come across with something small."

"How do you intend to make it that clear?" Belinda asked curiously.

He considered the difficult problem.

"There must be no ambiguity," she said.

"If he mentions the subject," he replied, "I shall refer to my work with a slight laugh and say I never discuss it during leisure hours."

She kissed his left ear. "Wonderful."

The two families met at the door.

Belinda had taken a great deal of trouble over her appearance and as a result Steven Curry became almost friendly.

Alan smiled at his hostess, shook hands with his host.

"How d'you do?" said the latter. There was a long pause during which the two ladies disappeared upstairs. "Haven't I met you before?" Curry asked at length, as something stirred in his memory—he was short-sighted, and that, allied to the fact he had been so angry as to make his recollections hazy, had not yet enabled him to recognize and identify his guest.

"I don't think so," responded Alan who had nervously waited for this moment.

"Maybe I've seen you on the train in the morning?"

"No," he stated definitely. "I go up on the nine-thirty."

"I have to travel on the nine o'clock. Nice life of ease you lead!"

"Not really—just that my job starts late and finishes late."

"Mine starts early and finishes very late."

"Some do," agreed Alan.

"I believe in work. It's the finest invention of the human race."

"If you can get it."

"What's that?" queried Curry sharply.

"I said, if you can get the type of work you're best suited for."

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"That's all stuff and nonsense. A man's suited for whatever work he's given. What do you do, Mr. Pace, that allows you so much spare time?"

"I'm connected with the law."

"So am I—but I have to catch the nine o'clock. You must be counsel?"

"Yes," he admitted.

"I'm a solicitor. Big firm in the City. We don't do much litigation."

"Nor do I," agreed Alan, before he realized it was hardly the moment for humour.

"And if we do go to court we have our own . . . here are the ladies." There was relief in his voice.

"Hullo, dear," said his wife. "I've just said to Belinda how nice it would be if you were able to give Alan some work."

"Yes . . . er. . . ." muttered her husband furiously.

They entered the sitting room, furnished with a taste that could only have come from a large London store. The ladies sat on the settee. Curry opened a large cocktail cabinet, and Alan stood by to pass the drinks.

"What will you have, Mrs. Pace?"

"A sherry, please."

"Agatha?"

"I'll have the usual, Steve. . . . How do you like the countryside after London, Belinda? . . . you don't mind my using your Christian name, do you?"

Curry poured out the drinks and Alan carried the tray and two glasses across the room.

"I wondered if you'd been used to getting up and rushing for the train," gushed Mrs. Curry. "When I saw you almost having to run to catch the nine o'clock on your first morning I thought how much better it would have been if Steven could have given you a lift."

"I thought you said you always caught the nine-thirty?" demanded Curry suddenly.

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Alan smiled weakly. "On the first morning," he said, "I seem to remember that I did catch the earlier train."

"That was the day poor Steven was practically hurled off the train by some newcomer . . . I don't know if you've heard the story?"

Steven Curry stepped forward until he could study Alan closely: there could be no doubt that suspicion had formed in his mind.

Alan instinctively turned towards Belinda for support in the crisis and he swung round in a semi-circle. The forgotten tray crashed into the side of Curry, the glasses and their contents landed in the lap of Mrs. Curry's new white dress.

"Well," said Belinda, after they had returned home, "one thing -you made it unequivocally plain that you don't want his filthy work."

CHAPTER FIVE

THE offices of Fitch, etc., were a haven of quiet. The typist knitted. Hammond considered an ungrateful client who disputed his bill of costs. Tolley, who was married, thought about women. Polson, who was unmarried, thought about the case of Stone and Nodoze Products.

The quiet was ended by the ringing of a telephone bell. The typist eventually lifted the receiver. "Yes?"

"Mr. Polson or Mr. Tolley, please. Wallace of Wallace and Drummond here."

She put the call through to Polson.

"Hullo—Polson here."

"'Morning. My name's Wallace—we're acting for Nodoze Products Limited."

"Oh, yes."

"We've received a Writ on behalf of our clients. 'I'm wondering if you'd care to outline which contract it is on which you claim damages?'"

Polson lit a cigarette. "We're about to send the papers to counsel for him to draft the Statement of Claim."

"Quite so. But before that we'd very much welcome some idea of which contract we're dealing with. We've been in touch with our clients and they were quite emphatic that in the past few months they have received no indication of any alleged breach from any of their customers."

"I gather, Mr. Wallace, that our client, Mr. Stone, was in close contact with your clients concerning this matter, and, indeed,

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received several abusive letters from them on the subject."

"My clients have absolutely no record of this."

"I suggest you ask your clients if it is not true that, in reply to a polite request from our client, they stated they were not Aunt Agatha's column in some sixpenny weekly sob."

"Is that all you can tell me?"

"I feel that at the moment it is all the information I am at liberty to give."

"Goodbye."

"Goodbye."

The two men carefully wrote on the pads before them: "One telephone call, Stone and Nodoze." The costs of the case must not be overlooked.

"Wallace here, of Wallace and Drummond. May I speak to Mr. Polson please, re Stone and Nodoze."

The typist admitted that such a thing was possible.

"Mr. Polson?"

"Good-morning, Mr. Wallace."

"I've been in touch with our clients, Mr. Polson, and they have managed to trace the name of Stone."

"I thought they would succeed."

"We find that he was a gentleman who claims to have been misled by one of our clients' advertisements in a new paper."

"You might describe it that way, Mr. Wallace."

"Is that the extent of the claim?"

"I will go this far—there will not be another form of action."

There was a pause before Wallace answered, and when he did so his voice was a small masterpiece of shocked surprise. "The claim's somewhat insubstantial, isn't it?"

"We don't consider it so."

"We may well advise our clients to apply to have it struck out."

"I should have thought such action would needlessly increase the costs."

There was another pause. "Our clients," said Wallace, "feel

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that this action is entirely without any basis of right. They suggest that Mr. Stone is a better subject for a psychiatrist than an action for breach of contract. However, since even a groundless claim can unfortunately entail trouble and expense, I'm authorized to say that my clients will pay a small, but more than adequate, sum to your client if the action is discontinued immediately.

Polson smiled to himself. "Not a hope," he said. "Mr. Stone is a very determined gentleman and only heavy damages awarded in open court under the full glare of publicity will satisfy him that justice has been done."

"Is that your last word in the matter?"

"Yes, Mr. Wallace."

"I'm sorry to hear it. Good-bye, Mr. Polson." An unimaginative observer might have been astonished by the cheerfulness of the speaker's voice.

"Some papers for you, Mr. Pace," said Mr. Primrose. "They want a Statement of Claim in Stone and Nodoze."

Alan took the brief. "I'm getting positively snowed under with work," he observed.

The Chief Clerk coughed delicately and glanced at that part of the desk on which the rent book rested.

Alan became sympathetic. "You should take more care of yourself, Primrose," he said. "You oughtn't to smoke so much, not with a cough like that."

Mr. Primrose sighed. Since he had mentioned the rent book once, several days ago, it was unethical to refer specifically to it again. Pace had taken a mean advantage. He left the room and reflected that in the good old days when all counsel had private incomes the rent was always paid on time.

Alan studied the front of the brief.

"Instructions to Counsel to settle Draft Statement of Claim"

It was the first of the important paper work.

Since few litigants ever knew what they were arguing about, it had been decided by certain Rules of the Supreme Court—they-

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selves a delightfully fruitful source of further litigation—that before the parties came to court they should set down their numerous complaints on paper. It was this paper work that was the bread-and-butter of all Junior Counsel, since well over ninety per cent of all cases were settled before they came to court. Butter comes in many forms. Preparatory School—seventy per cent margarine, scraped off the bread with minute care: Ye Olde Tea Shoppe—fifty per cent margarine applied with restraint. Family at Home—pure butter. Paper work is as varied. County Court—over almost before it has begun: High Court—where everything is distressingly clear: High Court—where nothing is clear, the allegations are much too long and complex, the facts are obscured by Set-offs and Counterclaims and both sides are determined not to be outdone in either loquacity or irrelevancy. . . . This last genus, on the unfortunate but natural demise of the father, is often handed down to the son and is rightly regarded as one of the finest of inheritances.

Alan read the facts, which were substantially the same as last time, then studied the text-books and finally concentrated on the most celebrated case in contract, if not the whole of English Law since it demonstrates the inalienable right of every Englishman or woman to be a little simple, *Carlill and Carbolic Smoke Ball Company*, 1893, 1. Q.B. 256 (C.A.).

When he was satisfied he understood the law, Alan felt that if Mrs.—or Miss, it was not very clear—*Carlill* could sue because the Defendants' Carbolic Smoke Balls had not prevented her from catching influenza, then Mr. Stone had an equal right to sue for the value of a wife since *Nodoze Products* had failed to provide him with one.

He pushed the books to one side and wondered how best to frame the Statement of Claim. The Plaintiff had been promised a wife, but the Plaintiff had not found a wife. That was undeniably the heart of the matter, though one must observe a decent reluctance to state the facts so baldly. It could so easily appear as though the Plaintiff wished to purchase a wife, and that would certainly cause

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the older Judges to view the claim with disfavour. Then again, the thought must be avoided that if the Plaintiff were not man enough to find his own wife, or wives, it was a little hard to expect anyone else to do the dirty work.

He took a cigarette from his case and as he struck the match Miss Tulip entered with the tea. She placed the cup and saucer on the desk in front of him and he noticed, without resentment, that inevitably the tea was strong enough to burn holes in anything unprotected. Miss Tulip had always said that everyone in Chambers liked their tea strong, and no one had either the temerity or the tenacity to persuade her of the truth.

"Working hard?" she asked happily. She was genuinely pleased to see him with something to do, and to show him that such was the case she gave him a slice of cake. "I thought you might like something to eat, Mr. Pace."

He thanked her and with a final approving glance she left the room quickly so as not to disturb him more than was necessary.

He drank the tea without flinching, ate the cake, then unscrewed the cap of his pen and prepared to write.

STATEMENT OF CLAIM.

In the High Court of Justice.

19 S—No. 6621

Queen's Bench Division.

Writ issued the 8th day of June.

Between:

William Stone

Plaintiff

and

Nodoze Products Limited.

Defendants.

1. *On January the first of this year the Plaintiff purchased for the sum of three halfpence a newspaper, the Daily Mercury.*
2. *On the second page of the said newspaper there was an advertisement for Nodoze Tonic, a product made by the Defendant Company.*

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3. *In the said advertisement the Defendants promised, expressly or by implication, that were Nodoze Tonic taken regularly by any member of the public highly desirable results would inevitably come to pass.*
4. *The said promise was made by means of a series of nine drawings and by certain words under the said drawings.*
5. *Because of the said advertisement and in consideration of the promises it contained the Plaintiff bought an expensive supply of Nodoze Tonic which he consumed as instructed.*
6. *Not one of the promised results took place.*
7. *Despite all his efforts the Plaintiff remains a bachelor.*
And the Plaintiff claims damages.

Alan examined what he had written with the pride of a successful author. He felt he had surmounted all the difficulties with admirable tact. But before the Clerks typed the Statement he decided to obtain the final seal of merit and gain Anthony Smith's word of approval. In the corridor he met Mark Hendon.

"Alan, old man, what the hell constitutes indecent exposure? We were walking peacefully down Piccadilly in an old pair of trousers and they split. It was Sunday: we couldn't dash into a shop for succour, we couldn't place a hand over the tear without drawing attention to ourself . . . so we did the honourable thing and with every sign of good breeding continued on our way ignoring what had taken place. So damn me if a blasted copper didn't take one look at us and run us in: as if anybody would voluntarily walk down Piccadilly like that in daytime—and on a Sunday."

"What's he charged with?"

"I've told you—Indecent exposure."

"What about *mens rea*?"

"No, it was his front half," retorted the other.

Alan muttered something, continued on his way. He entered the room at the end of the corridor.

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"Heard about Hendon's case?" asked Smith.

"He's just told me."

"I said he ought to plead occupational hazard—the man's a professional ballet dancer."

Alan placed his draft Statement of Claim in front of the other. "I wondered if you'd say what you thought of this—it's the first work I've done for these solicitors and I don't want to make a mess of things."

"Is this the gentleman who wants a wife?"

"It is."

Smith read the Statement through carefully. Then he looked up. "This is one of the neatest bits of paper work I've come across."

Alan was surprised. It was seldom the other praised.

"The Defendants will have to ask for so many Further and Better Particulars," continued Smith, "you'll be kept busy from now until Christmas answering them."

He should have allowed for caustic comment. "Surely it's not that bad?" he protested.

Smith corrected him. "I said it was good, not bad. If you draft a Claim which forces the other side to ask for Particulars, what happens?"

"Someone has to answer them."

"Precisely. And every time you answer them you demand, and get paid, a minimum of two pounds something or other."

"We're not supposed to have that in mind."

"When you reach my age and dubious experience you'll never have anything else."

"I'd better try and straighten it out—where do I start?"

Anthony Smith leaned back in his chair until it rested on the wall behind him. "You're old enough to look after yourself now," he said, "and there's nothing desperately wrong with that Statement. Don't forget this, Alan—the system by which we're briefed is guaranteed to make us dishonest in thought, if not in practice. It would take a saint to ignore that—and the only saints I've met in this profession were a scattered few who did not rely on this work

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to provide them with a living. Every time you receive paper work you get paid—and so does the solicitor. So, in effect, the worse your paper work the more money you receive, the same with the solicitor and the happier he becomes, and the greater likelihood there is that he'll send you more work."

"What do I do then?"

Smith showed signs of anger. "Take advantage of their stupidity, of course. Take advantage of everyone's stupidity. Only fools go to law. Make them pay for the privilege of being a fool. They'll do anything to help their own cause and their solicitors will be right behind them—why should you stand on a little white pedestal with a halo about your head and preach the perils of virtue?"

Alan picked up the brief and muttered his thanks. Anthony Smith lost his sense of humour infrequently, but when he did it could be very disturbing.

He returned to his own room and studied his work again. The more he did so the better he found it, and he came to the conclusion that his critic had been, for once, totally incorrect. He studied each sentence separately and he was surprised by the sonorous ring some of them had. He had produced something more than a mere Statement of Claim: he had produced literature.

He carried the completed work along to the Clerks' room and handed it to Miss Tulip.

"You don't want more than one copy, do you?" she asked.

"No thanks."

She placed a carbon between two sheets of paper and wound them into the typewriter. "D'you think the case will ever go to court, Mr. Pace?"

"Unless both parties have principles that they'll defend to the death I'm afraid it's not very likely."

She typed the heading. "Then I hope they're as stubborn as the mulest mule," she said firmly. "You need the chance to show people what you're made of."

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It said everything for her loyalty that she never realized her words could have been ambiguous.

Belinda had completed a day's work that left her exhausted even in retrospect. She had scrubbed, cleaned, arranged, and eventually overcome the impersonality of the cottage and had made it home.

Alan returned from the City, walked into the first room and, because a table was not where he usually threw his evening paper, he noticed the alteration. "What a difference," he said tactfully. She kissed him.

"I've brought you some flowers." He held out a small bunch.

She kissed him again. "What would you like to eat?" she asked. "You can have eggs, cold veal and ham pie, or a tin of something."

He relaxed in an arm-chair that took up a disproportionate amount of space. "I'll settle for the veal and ham . . . and a drink."

"We've only gin. And there's not much of that left."

"I'll get something tomorrow."

"To show how hard we're economising?"

He frowned. "There's a vast difference between economy and barbarity," he said severely as he left the chair and walked to the small cocktail cabinet.

"Then, darling," she replied, "if that's the case I can. . . ."

"Not indulge in one of your expensive shopping jaunts."

"I can't think why I don't get a divorce."

"Until I become insane, impotent or show incipient infidelity you've got no choice in the matter." He smiled.

She stuck a shapely tongue out at him. "If a woman had drawn up the divorce laws it would be simply and solely lack of attention."

"Which only proves that it's a good thing there aren't many women in the law." He poured out the drinks and handed her a glass.

"You're in a very cantankerous mood, Mr. Pace," she said severely.

"And you're very lovely." He lifted his glass and drank to her.

They ate, and later, while it was not quite dusk and everything

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seemed tinged with quiet, they strolled in the garden.

"Garden" was an euphemistic term for a square of land which had received no attention in over seven years. It was impossible to say whether it had ever possessed a lawn and flower beds, or whether it had always been "rustically natural."

They walked through the long, lank grass and they were almost at the far end, marked by their neighbour's smart hedge, when Alan's foot tumbled a ball out of an extra thick clump of grass. It was of rubber and about five inches in diameter: the colours on it were still bright. He picked it up and threw it into the air.

"Catch," he called.

She dropped it.

"Butterfingers . . . Come on, sling it over." The combination of the quiet evening and the rubber ball were too much for his City dignity.

Belinda threw the ball back and he caught it in one hand with ostentatious ease. "See if you can keep hold of this one," he shouted. She dropped it again, and with some annoyance returned it with all the strength she could muster. He again caught it easily and then threw it back with considerable force. She deemed it expedient to duck. The ball whistled past her head, struck the top of the hedge and then disappeared on the far side.

Alan went up to the hedge and looked over. A young child had accepted the gift from the heavens and was contentedly playing with it.

"Hullo," said Alan.

The child spared him only a brief glance.

"Would you like to throw the ball back to me?"

"No."

"It's mine, you know."

"S'mine."

Belinda thought it was time a little womanly tact was introduced. "What's your name?"

"It's mine."

"Timothy? Charles? William? James?"

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"It's mine," shrieked the infant, as he dimly realized that his ownership was being challenged in a new and more subtle manner.

"Jonathan . . . Jonathan. . . . What's the matter?" Curry suddenly appeared.

"They want to take my ball." The child pointed to the hedge.

Curry turned and saw the other two for the first time. His expression became grim. "It's unfortunate for you I was around, isn't it?"

Alan chose to ignore the inference. "I didn't know your garden came round as far as this," he observed in a friendly manner.

"That's perfectly obvious. You thought you could bully this child with impunity."

"That's ridiculous!"

"I wouldn't put it past you to kidnap him."

Belinda kicked Alan's right shin, and it reminded him he should keep calm. "If I were in that racket," he said, and he laughed lightly, "I think I'd choose someone a little less noisy."

"He's my grandson."

Alan laughed again.

It annoyed Curry. "Anything's possible to a man of your character."

"I've never heard anything so damned stupid," Alan retorted, as he found it impossible to maintain a front of good humour.

"Be careful," replied the infant's grandparent. "Be careful in what you say. There is a law of slander in this land."

"Suffering cats! You stand there and . . . ouch!"

Alan nursed his foot and glowered at Belinda.

"One more word from you and I shall take steps to silence your venomous tongue." Curry paused, to allow the full import of his words to be understood. Then he spoke to his grandson. "Come, Jonathan, we must move to a safer spot."

"Just before you telephone for police protection . . . may we have our ball back, please?"

"It's mine," protested Jonathan, and immediately burst into tears.

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"We threw it over by mistake," explained Belinda.

"It's mine: it's mine: it's mine," insisted the child with remarkable force.

Steven Curry squared his shoulders. "Luckily," he said, "there are laws against brutal thuggery."

Alan refused to remain silent. "And against theft."

"Do you accuse my grandson of larceny?"

"If your grandson lays claim to the title of something he well knows not to be his, I find it difficult to call it anything else."

"Your law, Mr. Pace, must be greatly in need of revision if you consider that a child of Jonathan's age can be guilty of the necessary intent without which there can be no larceny."

"Perhaps you, as an accessory, could be said to supply the necessary intent, Mr. Curry."

"How dare you call me an accessory."

Belinda leaned against the hedge and watched the sky gradually turn black as night, climbed up from the horizon. She wondered vaguely what quality it was in men that lingered on so tenaciously from their youth.

"That is our ball. We were playing with it and my wife tried to catch it and missed. It crossed into your garden. . . ."

"Trespass," snapped Curry.

He ignored the accusation. "Whereupon your grandson immediately seized it and denied my title to my own property."

The other spoke with heavy sarcasm. "Do you imagine that a jury would believe that you and your wife were playing with a ball in your garden?"

"They always believe the truth."

Curry could not hide his amazement at such a naive statement, but he soon overcame it. "I suppose you would even try to suggest that you frequently play pit-a-pat in the garden?"

"We came out here for a stroll and as it so happens my foot came into contact with something in a clump of grass. That something was the ball you refuse to return. I picked it up. . . ."

"One moment!" Curry held up his hand in a commanding

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gesture. "Do you admit you did not know the ball was there until you kicked it?"

"Well—yes."

"Then you found it?"

Alan finally agreed.

"You found that ball this very evening! Have you, in your vast experience, heard of larceny by finding?"

"Don't be ridiculous."

"You yourself admit you found it! What title do you claim that gives to you? Remember that case. . . .?" Curry paused and tried to remember.

"Which one?"

"Something to do with a water company. I believe it was civil case, but the principle holds good."

"Was it South Staffordshire Water Company and Sharman?"

"That's the one."

"I'd remind you, with respect, of Bridges and Hawkesworth."

"Have you forgotten Smith and Soames?"

"Wrongly decided."

"Ha!"

"Perhaps you would like to explain away Peters and the Land Mining Company?"

"Judge was an idiot."

"It was a Court of Appeal decision."

"All the Judges were idiots."

"That's hardly a valid argument."

Curry brought an end to the legal conflict.

"Young man, I charge you! You found that ball and you knew that the owner could be traced by taking reasonable steps. Yet, knowing this, you deliberately decided to appropriate it. If that doesn't constitute larceny by finding, contrary to the Larceny Act, 1916, section . . . section . . . never mind what blasted section it is . . . I'll never advise another client."

"That ball was intentionally abandoned."

"Poppycock."

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Alan suddenly remembered. "Just now you stated definitely that it was your grandson's ball, with the consequence that we had no title. Now you say we've committed larceny by finding . . . which means you admit we had possession of the ball, even if we didn't have the legal ownership. Since you now can't claim the ownership, and the ball was found in *our* garden, I find it very difficult to believe you have any title. In that case, you committed conversion when you claimed it, and it's possible you were guilty of the much more serious charge under the criminal law."

It had become very nearly dark. Mrs. Curry approached them unseen, and her first words startled everybody. "Steven! What is the matter? Why haven't you brought Jonathan indoors?"

Her husband swung round. "This rogue, this sneaking thief of tiny children's. . . ."

"Where's Jonathan? I told you to bring him right inside. Instead of which you've been gossiping. . . ." She recognized Belinda and Alan for the first time. She bade them a hesitant good-evening.

With womanly intuition, Belinda knew it was the moment to bridge the gulf of misunderstanding. Woman to woman, she said, "They've been having a ridiculous argument about the law or something."

"Larceny," snapped Alan.

"And I asked Steven to bring Jonathan right in! Heaven knows what he will have caught in this night air. Steven, you should be ashamed of yourself," scolded Mrs. Curry.

"My dear, I. . . ." he protested.

"Alan, you ought to be ashamed of yourself," said Belinda.

"Hang it all, he accused me. . . ." muttered her husband.

"Stop acting like a child—all that trouble over a rubber ball. We'd love little Jonathan to have it, wouldn't we?"

Only one thing remained to be done to consolidate a friendship between the two families. Belinda took that step. "What a lovely dress you're wearing," she said with envy in her voice.

Agatha Curry drew herself up and gathered strength from her

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rankling annoyance. "Mrs. Pace," she said, "this is the dress your husband ruined when he poured his drink over it. . . . Come, Steven, come Jonathan. And leave that ball behind!" So stern was her voice that the child dropped it without argument.

.
"How was I supposed to notice when it was that dark?" Belinda demanded.

Alan just laughed.

CHAPTER SIX

SOME few days after the Statement of Claim had been delivered to the Defendants, Polson recived a letter. It was from Wallace.

Dear Sirs,

The papers in Stone and Nodoze have been to counsel and he advises that certain Particulars must be given before he can draft a Defence. Would you kindly let me have them at your very earliest convenience.

I also advise you that the Defendants have decided not to apply to strike out the case, even though they consider the whole action to be completely groundless.

Yours faithfully,

Polson examined the second sheet of paper.

REQUEST FOR FURTHER AND BETTER PARTICULARS OF STATEMENT OF CLAIM

Under Paragraph 3.

Of "highly desirable results" stating precisely what it is alleged these results were.

Under Paragraph 4.

Of "The said promise was made by means of a series of nine drawings and by certain words underneath the said drawings" stating whether the alleged claim is to be found wholly in the words or in the pictures, or whether it is partly in the one, partly in the other, or what.

Under Paragraph 5.

Of "An expensive supply" stating precisely what quantity was purchased.

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Under Paragraph 6.

Of "Not one of the promised results took place" stating each and every one of the results it is alleged did not take place.

Under Paragraph 7.

Of "Despite all his efforts" stating what efforts have taken place.

That was the end of the request and underneath was the signature of Heldon—counsel for the Defendants.

Further and Better Particulars were the polite way by which one carried the war into the enemy's territory. Obviously, it would be a shocking blunder to acknowledge that the pleadings of the other side were good—therefore, each party had alternate shots at the opponent. The attacking side had as a target every possible ambiguity, error, or omission: while under cover of this barrage an attempt was made to discover what evidence the other side relied upon, and precisely how strong was their case—two important items that the party attacked had been at very great pains to obscure beneath legal verbiage more tangled than a five year growth of couch grass. At times, the exchanges would become heated: at others, they were conducted in the cold, brilliant, searching light more usually associated with chess matches. Indeed, a good chess player was in his element amid the fascinating and complicated moves and counter-plays of practised pleaders.

None of these thoughts occurred to Polson, who indeed, very rarely thought: a handicap not so serious as it might have been due to the fact that the firm of Fitch, etc., normally handled criminal matters. He merely decided he would send the papers to counsel to advise that none of the particulars should be given.

He telephoned the Chambers and spoke to Mr. Primrose. "Re Stone," he said, "I've had a request for Particulars before Defence—I'll send the Request along but I don't think they ought to be given. Tell Mr. Pace that and ask him to let me have them back as soon as possible."

"Very good, Mr. Polson. Seasonable weather, isn't it?"

"Call it that if you want to."

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Hammond arranged for the papers to be delivered to Chambers. Before the case was completed they would travel many miles in their journeys to and fro between counsel and solicitors. It was an excellent, if old-fashioned, way of maintaining full employment and it had the one great advantage that only one person suffered, the litigant himself, surely the insignificant cog in the machinery of the law.

The papers arrived in Chambers and were handed to Alan, who up to that moment had nothing to do but study such part of the population of the Temple as crossed the small square immediately in front of him. He had decided they looked ill-fed, ill-dressed, and rather stupid.

"The solicitors telephoned me, Mr. Pace, and said they didn't think we ought to give the Particulars the other side is asking for."

"I shouldn't think so, especially before they deliver the Defence—and come to that, what's so wrong with my Statement of Claim?" He waited for a denial that anything could be at fault with his Pleadings, but it did not come. "Let's see what it's all about," he said finally, and took the papers.

Alan read the request and he felt annoyed. "That's a bit thick," he snapped. "Look at it—they're asking for them in five out of the seven paragraphs. Perhaps they'd like me to write an essay on what we're going to say at the trial and what evidence we're going. . . ."

"See who's against you, sir?"

He read the name at the foot of the page. "Heldon . . . don't know him."

"One of the old hands, sir. Wily as you make them when he's in Court, though he's not so hot on this kind of work. He and Bosham often get briefed together and they always sit next to the jury—send a pupil down as soon as the doors open to engage the seat if necessary—and then discuss the case with each other so that the jury can hear what they're saying. Last year they got eighteen acquittals out of twenty verdicts like that." The Clerk shook his head in admiration. "They're a couple, they are!"

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"He won't find much scope in this job if it ever reaches Court since there won't be a jury."

"That doesn't hold him back, sir. I've seen him myself spend a whole day examining a witness in chief and finish when it was too late for the other side to cross-examine, and then send the witness back home with instructions to get ill and stay ill until all the other witnesses had been cross-examined and it was known how much they'd given away."

Alan looked up from the papers he had been reading. "What did you say?"

Mr. Primrose sadly shook his head. The present generation had no manners. Twenty years ago the young men at the Bar had been only too glad to hear the little tricks of the trade that would help them conduct their cases to the full benefit of their clients. Now, they could not even be bothered to listen.

Mr. Primrose left and returned to the Clerks' room to confide in Miss Tulip who always provided a staunch tower of sympathy.

Alan had overcome his first flush of annoyance and he was prepared to admit that it was just possible a rather dim person might consider there were a few slight defects in his Statement of Claim. He deliberated upon the request for Particulars paragraph by paragraph, smoked two cigarettes, and came to the conclusion that there were two sets the other side were entitled to have answered before they filed their Defence. He decided to telephone the solicitors and tell them so.

The typist took the call and troubled herself sufficiently to speak to Hammond, who informed Polson.

"The girl tells me that Pace is on the 'phone again."

"What the devil can it be this time?"

Polson lifted the receiver and spoke to Alan. At the conclusion he turned and addressed his Chief Clerk. "He wanted us to give Particulars without any argument."

"No, sir!"

"Said he thought the other side were justified."

"What can you do with a man like that?"

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"How should I know?" he answered testily. He was sadly perplexed.\

Mr. Wallace was informed that counsel for the Plaintiff did not feel that the Defendants were entitled to the Particulars. He thanked the speaker for the message and said that, of course, he would have to ask the Master for an order.

The machinery of the law was put into motion and after a decorous interval of time, if the law were hurried there was no knowing what might happen, it was the day on which the interlocutory matter was to be heard by a Master.

Alan had lunch in the Crypt, part of the Law Courts, and as he drank his coffee Mr. Primrose came bustling up to his table.

"Nearly half past one, sir."

"Plenty of time in which I can finish this coffee and have a cigarette."

"Have you all the papers and books you want, sir?"

"Down here." He pointed to the floor.

"You haven't met anyone from Fitch and Fitch yet, have you, sir?"

"That pleasure lies ahead of me."

"I'll go on up, sir, and check which room we're in. You won't be too long, will you? There's less than three minutes to go."

"My dear Primrose, I'll lay you ten to one we're half way down the list and don't get heard before two o'clock."

"Possibly, sir," answered the other severely, "but if you should happen to be missing when your case is called you'll find any odds a bit one-sided." He left.

Alan soon saw the truth of the Clerk's words and he stubbed out his cigarette before it was half finished and made his way towards the "Bear Garden." His route lay through the long and institutional passages that honeycombed the building and which provided some foundation for the strongly-held belief that originally the Law Courts had been designed as a railway station but the mistake had not been noticed until it was too late.

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The "Bear Garden" was the name given to the area in which gathered the solicitors and counsel who were in any way connected with the hearing of any interlocutory matter.

The noise was continuous as everyone spoke loudly to enable himself to be heard above the others who spoke loudly.

Mr. Primrose saw Alan and came up to him. "We're third on the list, sir. I've spoken to your solicitor: it's Mr. Polson who's here today. Perhaps it would be a good idea to go over and have a word with him."

Alan crossed the hall and came up to the thin and angular Polson, who looked even thinner and more angular than usual because he was back to back with a man of very handsome girth.

"How d'you do," he said. "I'm Pace."

"How d'you do," was the ritualistic answer.

They examined each other.

"About these Particulars," said Alan. "I'll be surprised if a couple of them aren't ordered."

"Best thing we can do is to wait and see, isn't it?" Polson had eaten nearby and even for a restaurant in the City the meal had been bad.

"It's rather an interesting case, isn't it?" Alan tried to follow the finest advice a barrister could be given—be friendly with your solicitor and carry out his advice: you may expect to lose many a case but never a solicitor.

"You haven't been called very long, have you?"

Mr. Primrose, who had hovered around them, spoke hurriedly. "I always say, sir, it's the material that counts not the year of manufacture."

"You'd better go and tell that to the wine merchants."

It was not a remark to warm the atmosphere but Alan struggled to observe some form of pleasant relationship. "Talking about wine," he remarked, "I see they're beginning to grow it over here."

"I thought it was the grapes that grew?"

This time there was silence.

"McNaughten against Killers Products," shouted a man in

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uniform who suddenly appeared from one of the surrounding rooms. There was movement in the crowd and a thin stream of persons entered that room.

Almost immediately, another case was announced in a second room. At that point Mr. Primrose spoke to Alan.

"There's Mr. Heldon, over there." He nodded his head.

Alan looked across and saw the man the Clerk had pointed out. Heldon was robed—normally robes were not worn for interlocutory hearings but an exception was made if counsel had to appear in Court immediately afterwards—and the wig accentuated his aquiline nose. His face was lined and humourless, and there was an air about him of cold efficiency.

"He's a wily one," said the Clerk, as if that were the most important fact in the whole case.

Alan noticed Polson had moved away. "He's not very helpful, is he?" He indicated the solicitor.

"No, sir, he isn't," agreed Mr. Primrose, who although not easily discouraged had been on this occasion.

There was a sudden cry of "Stone and Nodoe Products Limited."

They made their way to the doorway of the Master's room and they arrived at the same time as Heldon. "Afternoon," said the latter. "Are you Pace?"

"Yes."

They entered the room which was divided into two by a long desk that ran from wall to wall across the centre. Behind the desk sat the Master, duplicate papers of the case already set before him, and text books on either side of him.

Alan and Heldon stood immediately in front of the Master, and their Clerks and Solicitors fanned out to their right and left respectively.

Heldon undid his brief, spread out the papers and began. "Master, I appear on behalf of the Defendants, and the Plaintiff is represented by my learned friend, Mr. Pace. I come here to ask you to order certain Further and Better Particulars which I

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say are necessary for me to have before I can draft a Defence. Master, I would ask you to look at the Statement of Claim for a moment. In my opinion, it's one of the most remarkable documents that has been produced in any case for a very long time. A Statement of Claim is supposed to do precisely as its title suggests—state the claim. But in this document, as you will see, the claim. . . .”

The Master spoke. “Mr. Heldon—at the moment you have not the pleasure of addressing a jury.”

“No, Master.”

“You may therefore accept the fact that I am acquainted with the definition of a Statement of Claim.”

“With respect, I thought that. . . .”

“And, unwelcome as the thought may be, facts are more likely to convince me than fine words.”

“Master—in this instance, facts and fine words are synonymous.”

“Mr. Heldon, I fear I am too old fashioned to consider the two in any other than an antipathetic light.”

Counsel smiled, but the expression had little warmth about it. “Very well, Master . . . I would ask you to read the Statement of Claim.”

“You want Particulars under paragraphs three, four, five, six and seven . . . I won't order them under four, five and seven, so you can address me on three and six.”

“But, Master. . . .”

“Come, Mr. Heldon,” said the Master cheerfully, “surely we can admit that you are not entitled to four, five, and seven until after you deliver the Defence and that the only reason they have been included in this Request is the ever-popular one that if counsel ask for four times more than they're entitled to, they may be lucky enough to receive twice what they should be allowed.”

“As you please, Master.”

“Thank you, Mr. Heldon.”

“Master, in paragraph three—which, if there can be said to be a contract between the parties probably contains the terms of that

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contract—the peculiar phrase ‘highly desirable results’ occurs. With respect, it’s impossible for me to plead to this allegation as it stands. If I deny that any desirable results were promised I may well be laying myself open to trouble since I may have promised certain results but not thought them desirable. What really has to be answered is, what does desirable mean? Master, I must have the answer to this in order that I know what it is I am alleged to have promised. As the Statement of Claim stands at the moment it’s impossible to say.” Heldon continued his address until the Master held up his hand.

“I think I understand your contention. Now paragraph six.”

“My argument must necessarily be very much the same, Master. This time I am accused of not making good ‘promised results’, but I have no idea as to what it is claimed I promised. They did not take place . . . perhaps they did, perhaps they did not, but until I know for certain what ‘they’ means I can’t answer.” He paused and looked round the room, then continued. “Master, much of the difficulty that has arisen over these Pleadings stems from the nature of the case.”

“Yes,” said the other in a non-committal voice.

“To call it unusual is to state the obvious with great force. I might add that the question whether we should apply to have the case dismissed or not was given very careful consideration.”

“But since you did not apply, Mr. Heldon, perhaps you’ll be good enough to treat the case as effective.”

“The point I wish to make, Master, is that. . . .”

“For the moment, Mr. Heldon, I am satisfied I have fully understood your arguments.”

Counsel half bowed.

The Master made some notes, consulted a small square of paper, then looked up. “Yes, Mr. Pace?”

Alan arranged his thoughts and picked up the Statement of Claim for which he alone had been responsible and which had received such heavy treatment.

“Mr. Pace,” said the Master, “you will not, of course, answer me

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if you consider that to do so will in any way prove detrimental to your case—but, stripped of all the usual wherewithals and wheretofores, does your client claim that because of an advertisement in a paper which he would seem to have accepted literally and because of some promise it may or may not have contained that the Defendants owe him either a wife or her value?"

"Not exactly, Master. He is asking for damages, general damages, because of the breach of the contract. The wife takes the place of any more usual breach, such as non-delivery."

"Are you a married man, Mr. Pace?"

"Yes, Master."

"From what you have just said I should have thought it were otherwise. However . . . what have you to say in answer to Mr. Heldon?"

"Master, he claims that no cause of action can be found in the Statement of Claim. . . ."

"With respect, my learned friend misunderstood me," interrupted the other. "The cause of action can be surmised: it is the details of the breach that is alleged took place that are completely lacking."

"As you please. Master, I would ask you to look at paragraph seven."

"I have, Mr. Pace, and I view it with some measure of awe. I am certain it is the first of its nature I have read, either when I practised or since I have been a Master." He looked on and it was plain that he found some cause for amusement.

"I trust, Master, that its novelty will not be too great."

"You must be aware, Mr. Pace, that in our profession novelty is not the most welcome guest. Even a statute is viewed with alarm until it has been heavily criticized in the Courts and both Houses of Parliament."

Alan smiled, and then, after a tactful interval returned to the case.

*Master, paragraph seven, in my submission, clearly sets out the promise made in the advertisement and then details the breach. The Plaintiff remains a bachelor. It must be obvious from this

that. . . ." he argued the point fully, but since he believed the other side were justified in their request, he found it difficult to speak with conviction.

The Master shared his feelings. "Thank you, Mr. Pace. I do not intend to go into the reasons for my decision beyond saying that it has always been perfectly clear that the Defendant must know what case he has to meet before he settles his Defence. The Plaintiff will give Further and Better Particulars under paragraphs three and seven. With regard to the other paragraphs, I have looked through them and I don't doubt the Plaintiff will supply them after the Defence."

"Costs, Master?" asked Heldon.

"In this instance I am inclined to make them Defendants' costs in any event. I am satisfied that these Particulars should have been furnished without the necessity of the parties' coming before me to ask for an order."

"Don't let them get away with that," Polson indignantly said to Alan. "We were fully entitled to refuse."

Alan was about to speak when the Master forestalled him. "I fear, Mr. Pace, you must discount me as you will, but costs will lie where I have placed them."

The hearing was at an end. Everybody left the room and as the last person went out, the parties to the next action to be heard entered.

Heldon muttered a very quick good-bye, rushed off to the court in which he was appearing. His solicitor, it was not Wallace, spoke to Polson.

"You'll let me have those as soon as possible, won't you?"

"I'll do my best," was the grudging reply.

"Thanks—be seeing you I expect." He left.

"We'll appeal him," snapped Polson.

Alan looked startled. "Surely it's not worth. . . . ?"

"It's the principle that matters. We'll appeal him."

It was a curious feature of principle in law courts: it became

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completely rigid whenever it was the client's money, which backed its rectitude.

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As A. P. Herbert once wrote, if a patient is told to have his appendix out, and he has it out, that same patient becomes a little bewildered when he is later told by a specialist that his appendix should be removed.

Medicine is, however, a circumscribed occupation. Once the patient dies, he is of no use. The law does not recognize such waste, and rightly so, since who is to say whether the dead are really alive, or the live are really dead. . . . One can always appeal. At practically every stage of a case one can appeal, and if one is a citizen filled with a zest for battle, then one can lodge many and varied appeals, and appeal the appeals, and have such skirmishing among the ramifications of procedural law that by the time the actual case is heard nobody can remember what was the original bone of contention. It is as though every man had six appendixes . . . an arrangement that would suit even the most ardent hypochondriac.

The appeal from the Master was set down and eventually came up for hearing.

Alan and Mr. Primrose crossed from the Temple to the Law Courts and there met Polson, slightly more friendly than last time. In a far corner, Heldon and Wallace were talking to each other.

Their case was called and they entered a room very similar to the one in which they had appeared before the Master.

Alan and Heldon waited while the Judge sorted through the papers. They were before Mr. Justice Evans, a man who respected nobody, least of all counsel.

"My Lord," said Alan, misinterpreting a look the Judge gave him, "I represent. . . ."

"Kindly wait until I'm ready. Where's that paper of mine?" The Judge glared at his clerk who stood at his side. "Brampton, I said I wanted that paper and. . . ."

"In front of you, my Lord."

Undaunted, the Judge glanced at his desk. He muttered some-

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thing and stared at Alan. "I know who both of you are—got it on this piece of paper—so don't waste time telling me. Get on with the case, Mr. Heldon."

"My Lord, my learned friend is. . . ."

"Let your learned friend be. Get on with the case, Mr. Heldon."

Alan glanced at his opponent, who shrugged his shoulders slightly.

"My Lord, this appeal is from an order of Master Symonds given on the twelfth of this month in which he ordered me to give Further and Better Particulars of my Statement of Claim before the Defence was delivered."

"So I should think."

"I beg your pardon, my Lord?"

"I said that Master Symonds was perfectly right, Mr. Heldon, as you should have realized from the beginning. I cannot conceive what counsel are coming to when they draw up such careless pleadings as this one. When I was at the Bar no court in the land would have accepted such a document."

Alan waited until the pained voice had ceased, tried to find a little courage, then began to speak. "My Lord, if you have already reached a conclusion in this. . . ."

There was a roar of anger. "How dare you, Mr. Heldon! It would be most improper for me to reach a conclusion before I had heard what you have to say."

"I thought, my Lord. . . ."

"I demand an apology."

"My Lord, I understood you. . . ."

"I said I wished for an immediate apology."

Alan could not speak too quickly as he decided that at such times as this, brave men were plain stupid. "I'm sorry, my Lord."

"I am glad to see that you understand how very wrong you were to say what you did. I am also happy to note you have the manners to apologise willingly. Kindly proceed with the case, Mr. Heldon."

"My Lord, I appeal against both the order of the learned Master

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that I should give certain Particulars and also against his order as to costs. If you will look at the Statement of Claim. . . ."

"Sloppy piece of drafting, Mr. Heldon. And why has Mr. Pace signed it? Why is it signed by the wrong counsel? That may well invalidate the whole proceedings." He leaned back in his chair and he glared at the two counsel.

"My Lord, I'm Pace."

"You said you were Heldon."

"No, my Lord, you did."

"Nothing of the sort." He turned slightly, "What do you say your name is, Mr. Pace?"

"Heldon, my Lord."

The Judge turned to his clerk. "Brampton, ask these gentlemen for their birth certificates and find out which is who. When Counsel do not know their own names I find it difficult to believe they are competent to conduct anything but a jazz band."

Eventually the hearing was resumed.

Alan addressed the Judge at some length. At the conclusion he replaced his papers and privately hoped Heldon would receive as rough a passage of words as he had had. He was disappointed.

The Judge looked up. "Thank you, Mr. Pace. I shall not trouble you, Mr. Heldon. The appeal is dismissed. Defendants' costs in any event."

"Don't let them get away with that," snapped Polson. He was about to say more to Alan when he realized that the Judge was looking at him.

"Is your Instructing Solicitor expressing dissatisfaction with my judgement?" thundered Mr. Justice Evans and he looked like Moses about to strike the rock.

Which explained why the leave of the Judge was not asked to appeal still further.

CHAPTER SEVEN

ALAN found difficulty in framing the Particulars. Whatever he wrote seemed either to give too much away or else was not enough to make sense.

On the far side of the room William Ross worked with all possible speed as he tried to complete an Advice on Evidence before his solicitors asked for it for the fifth time.

Ian Crain tried to solve fourteen down but inspiration was lacking. He put *The Times* aside, sighed, noticed the other two. "Place is like a beehive," he observed after a few minutes. "It tends to become disgusting—makes this room look more like the home of trade rather than the seat of an honourable profession."

Alan crumpled up the sheet of paper on which he had written his third attempt, and stared at a fresh page in the hope that the clean surface would inspire him.

"Would you like me to leave?" asked Crain. "Does my idle chatter disturb you? Are the briefs stacked so high that the common courtesies of refined speech have to be ignored?"

Alan thought he had at last found the solution.

"I shall tell Primrose that I intend to leave these Chambers to try and find a set where warm human friendship tempers the cold harshness of the law."

Alan slammed his pencil on the desk. "You and your blasted figures of speech. Now I've forgotten what I was about to write."

"Good—come and have some coffee."

"I must finish these Particulars to-day."

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Crain spoke with the assurance of someone who had no solicitor clients. "They'll wait."

Alan suddenly remembered what it was he had been about to write, but at that precise moment the door opened and Miss Tulip entered.

"Mr. Ross—your clients are here."

"O.K." replied the other. "Be ready in one minute."

"I'm afraid there's going to be a conference in here," said Miss Tulip. "But there's no one in Mr. Hunt's room."

Alan put down his pen. "You too," he said bitterly.

"You've broken the spell," explained Crain.

"Never mind," she soothed, "I'm sure it'll come back again. Now if you and Mr. Pace will leave, I can tidy up the room. We must not let Mr. Ross' clients come in here when the room's looking like this, must we?"

Alan left, with the certain feeling that if he spoke it would only be to swear and Miss Tulip had a powerful lecture which she delivered whenever she heard the mildest form of oath.

He crossed the short corridor and entered Oliver Hunt's room. It was the finest in Chambers, as befitted a silk, and the furniture was expensive. There were two desks so that another barrister could have worked in the room, but Hunt preferred to blaze in solitary splendour.

It seemed as though the change of scene acted as a mental goad, since Alan almost immediately found the words for which he had been searching.

FURTHER AND BETTER PARTICULARS OF THE STATEMENT OF
CLAIM DELIVERED PURSUANT TO THE ORDER OF MR. JUSTICE
EVANS.

Under Paragraph 3.

The said advertisement expressly or impliedly stated that if Nodoze Tonic was taken regularly any male, who before taking the said tonic had been excluded for any reason from the very close friendship and affection of certain of the female gender, would thereupon become one who irresistibly attracted and secured such close friendship and affection.

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Under Paragraph 6.

No young lady of the Plaintiff's acquaintance showed any reversal of her previous attitude towards him nor were any new acquaintances irresistibly drawn towards him.

He read through what he had written.

"Hullo, old boy." Thomas Fenley drifted into the room and searched for a book. He was the type of young man who drifted wherever he went. He laid claim to many close relations of vast position and prestige and his attitude towards the world was one that, he hoped, clearly showed he was worthy of them: unfortunately, it more frequently gave him the appearance of an imbecile. He received few briefs, but always conducted himself in court with a graceful air. This lack of work did not affect him since his father had a superior sort of business which provided them both with an adequate income.

"How's tricks?" asked Alan—there was a certain amusement to be had from talking to Fenley.

"Not too bad, old boy. Have you seen Cheshire's Real Property anywhere?"

"Not recently."

"I expect those damned Clerks have forgotten to put it back in its place." With a last look round, he drifted out of the room.

Alan checked through his work for the last time and then took it along to the Clerks' room. He gave it to Miss Tulip.

"I'll do it as soon as I can, Mr. Pace, but I must finish the Advice on Evidence in this case for Mr. Smith." She pointed to a bundle of papers three inches thick.

"Old faithful," remarked Alan as he recognized it.

She smiled. "I don't know what Mr. Smith will do when this case comes to an end. It's been over three years now, one way and another, and they still haven't completely finished with the paper work."

"Just think of the size of the cheque when it's all over!"

She sighed. "This firm never pays," she said sadly. "They owed Mr. Smith two years' fees and Mr. Primrose tried again and

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again to get them to settle: in the end they owed so much they became ashamed of it and went to another counsel. This is the only work left that they send."

Alan stared at the typewriter. "If that were my set of papers I'd get the solicitors and I'd stuff it down their throats, sheet by sheet."

"No, you wouldn't, Mr. Pace. One never knows, one day they may suddenly decide to pay everything."

"It's perfectly iniquitous that they should be allowed to collect the money from the client and then not pay it to counsel."

"It's one of the privileges of your chosen profession, Mr. Pace—you can't sue for your fees."

"I've never heard anything so Irish," snorted Alan. "D'you know how I'd eradicate all these dirty practices?"

"Yes, Mr. Pace. You've told me several times. I must return to my work," she said firmly, and she resumed typing.

The days passed and in the Law Courts, the Old Bailey, the Assizes, the Quarter Sessions, the Stipendiary Magistrates' Courts, justice was done. In those Magistrates' Courts ruled by Justices of the Peace justice was rarely done. The Temple had many too many mouths to feed in relation to the work that came its way. The carrion-crows of the legal profession plucked the monetary carcasses of their clients.

Alan arrived at Chambers one morning to be handed the papers in Stone and Nodoe. They were beginning to take on the allure of an old and familiar friend. He went to his room and opened them.

There was the usual heading—DIVISION OF THE HIGH COURT, NUMBER OF THE CASE, AND THE NAMES OF THE LITIGANTS.

DEFENCE.

1. With the exception of what is hereinafter admitted each and every allegation contained in the Statement of Claim is denied as if set out here and traversed seriatim.

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2. Paragraph 2 of the Statement of Claim is admitted.
3. The Defendants deny that there was at any time any agreement in any form, binding or otherwise, between the Defendants and the Plaintiff.
4. If, which is denied, there was an agreement such as is alleged in the Statement of Claim it was no part of any such agreement that the Defendants should be liable to anyone for finding him a wife and any such words or pictures which might wrongly be so construed are in the nature of a puff.
5. If, which is not admitted, there was any such contract between the Defendants and the Plaintiff as is alleged in the Statement of Claim the Defendants performed each and every obligation therein contained when they introduced the Plaintiff to Mrs. Walsh.

He read the Defence through twice and was pleased to see that Heldon had drawn up Pleadings that simply cried out for Further and Better Particulars. Then he concentrated on the last paragraph and he wondered who Mrs. Walsh was.

He decided to telephone the solicitors and see if they knew but before he did so he re-read the Instructions inside the back-sheet. They told him to give such Particulars of the Statement of Claim as he considered necessary, i.e. those which the Master had said need not be given until the Defence was delivered, and to ask for such Particulars of the Defence as he thought should be requested.

He suddenly realized he had two separate tasks, which meant two separate fees. He began to see the unknown Mr. William Stone as a philanthropist. In that pleasant frame of mind he telephoned and was soon speaking to Polson.

"Pace here, Mr. Polson."

"Well?"

"I've just looked at the Defence—have you any idea who Mrs. Walsh is?"

"If I had, I'd have said so in your Instructions."

"You don't know who or what she is?"

"That's what I said. I've spoken to Stone but he doesn't know

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either."

"Then I'll have to ask for Particulars of her."

"Of course."

Alan reflected that civility was not Polson's strong point. "Would it be worth tackling Stone again?—it's all very much in the dark at the moment."

"He's quite certain he was introduced to no one."

"Oh, well! . . . I'll send the papers back as soon as I can."

"At this stage of the proceedings, haste is less important than accuracy," retorted Polson, with a pleased feeling that at last he had managed to make a bright remark at the right moment.

Alan replaced the receiver with unnecessary force. He hoped that at some future date, but not too distant, the firm of Fitch, etc., would commit a professional mistake that would send it through the courts on a charge of gross negligence of unforgivable magnitude.

Before he began work he read the Defence through yet again, and for the first time it occurred to him that since a new allegation had been raised in the Defence, a Reply to it would have to be made by the Plaintiff.

He settled down and began to write.

FURTHER AND BETTER PARTICULARS OF THE STATEMENT OF CLAIM.

Under Paragraph 4.

As the Defendants well know, the advertisement is both in writing and in pictures and neither can be separated from the other. The claim arises from the promise to be found partly in the words and partly in the pictures of the said advertisement.

Under Paragraph 5.

Four large bottles, priced six shillings and sixpence each, although the advertisement claimed one bottle was sufficient.

Under Paragraph 7.

This is a matter of evidence.

REQUEST FOR FURTHER AND BETTER PARTICULARS OF DEFENCE

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Under Paragraph 4.

Of "are in the nature of a puff" stating which words are puff, and which words are genuine, if any, and which pictures are puff and which pictures are genuine, if any.

Under Paragraph 5.

Of "Mrs. Walsh" who is Mrs. Walsh?

He lit a cigarette and inhaled with pleasure. It was his first High Court case and it gave him a feeling of solid contentment to see the papers on the desk before him. It could so easily prove to be the step from nowhere to somewhere which took counsel so long to find. It could even pave the way to silk. And silk was half-way up the ladder that led to the Bench.

Alan grinned as he realized he had appointed himself Lord Chief Justice of England on the strength of one brief of very doubtful merit. He shrugged his shoulders slightly. If one were not allowed to day-dream at the Bar, then the life would be a pill too bitter to swallow.

"Practising for the amateur dramatic society of Beechcroft Place?" asked Crain.

"Hardly the type of hamlet to indulge in orgies of that nature. Why the question?"

"Your face has been expressing the most amazing things for the last few minutes."

"I was thinking of taking silk," he replied.

"You could get five years for that," retorted the other weakly. "I'm fed up with sitting in here—let's go across the way."

"I wish you would," pleaded Ross. "I might get some work done."

"Stop bragging. If my uncle were a solicitor, I'd be busy."

"Having seen some of your work, I doubt whether even that would overcome the natural obstacles," retorted the other maliciously.

Crain stood up and moved towards the door. "Come, Alan. Out of range of this upstart of a capitalistic system."

They left Chambers and walked the short distance to the Strand

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and the Law Courts. Once there, they examined the lists in the main hall.

"What's it to be, Alan? Educational, interest, or dirt?"

"What's the dirt?"

"That divorce case where the naughty Lord was found *flagrante delicto* with the banker's wife."

"I wondered why you were in such a hurry to come over here."

Crain grinned. "Got to do something to counteract the boredom," he said, as he led the way to the courtroom.

A number of other people had also apparently suffered from boredom and the court was filled. The uniformed attendant shook his head.

"No room, sir. Full right up. Very popular show and standing all parts."

"We're counsel," said Alan.

"If you were the Lord Chief Justice himself you couldn't go in."

"Come on, George, you can squeeze two small ones in," Crain suggested.

"No, sir, not even a one foot midget doubled-up."

Crain put his right hand in his trouser pocket, and the next moment there came the invigorating sound associated with the rubbing of one coin against another.

"You did say you were counsel?" asked the attendant.

"That's right. Oliver Hunt's Chambers."

"Bless me, sir, I've seen him around here many a time. I wonder?" He looked inside for a fraction of a second. "D'you know, sir, I think I can see a space where someone has moved. . ."

The big names of the legal world were out in force. The naughty Lord, desirous of keeping to himself such little money as he still possessed, had (in his innocence he failed to see the glaring anomaly) briefed silk. This meant that both the Petitioner and the Respondent did the same. Thus, on one bench sat three silks in all the glory of their special gowns and coats, superior men who could not move without a Junior in close attendance. In front of them, so deep in the well of the court as to be almost invisible, were the

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solicitors close at hand should the silks wish to speak to them. Behind these¹ Leaders sat their Juniors, a collection of wigs that continually bobbed up and down as the men beneath them took notes.

High on his lofty throne sat the judge, a lonely looking figure with a round, rather jolly face. Beneath him were the Associate, clerk, and, to one side, the shorthand writer.

Sir Thomas Illings was on his feet, cross-examining the Co-Respondent.

"You arrived at the Respondent's flat at what time?"

"About eleven . . . I think."

"Would it not have been very much nearer twelve?" As he said this Sir Thomas ostentatiously picked up a piece of paper and examined it. The Co-Respondent was not to know it was blank, but luckily for him he had a counsel who suspected the ruse.

James Glasgow uncoiled and eventually reached his full height of six feet four and three-quarter inches. He smiled pleasantly. "Is that some document, my Lord, which so far I have not had the pleasure of examining?"

Sir Thomas turned and glared.

"I imagine you have not missed very much, Mr. Glasgow," remarked the Judge, who had known Sir Thomas from the time they were pupils together.

"My Lord, I must protest. Surely, unless I put this document in, my learned friend is not entitled. . . ."

"Do you put it in, Sir James?" the Judge asked blandly.

"Perhaps," remarked the third silk, Charles Trent, "it would be as well to place some mark upon this exhibit—to provide means of future identification."

"When my learned friends have finished their helpful advice, my Lord, perhaps I might continue to cross-examine the somewhat hesitant Co-Respondent."

"By all means, Sir James."

"Is it not a fact that it was nearer midnight when you arrived at

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the Respondent's flat?" This time he asked the question without extraneous aid.

"Not by Big Ben."

"Why do you say that?"

"I heard it strike eleven as I passed the square."

"A moment ago, if my recollection serves me right, you stated it was about eleven." His Junior leaned over and whispered to him.

"Your exact words were—'About eleven . . . I think.'—yet now you say it was eleven precisely and you pin-point the time by Big Ben. What now enables you to speak with such accuracy?"

Alan's mind wandered, since the cross-examination was little different from many others he had heard. He began to speculate on how much the various briefs were marked. "What do you reckon Illings is getting?" he whispered.

Ian Crain considered the problem. "Two hundred?"

"D'you think it's that high?"

"Shouldn't be surprised—he's one of the pretty expensive silks."

Two hundred guineas for the first five hours of the hearing, and then refreshers for each succeeding period of five hours was the type of music that Alan liked. He decided to try and check whether the figure was accurate.

He slowly edged his way forward until he was at the side of Junior Counsel to Trent, a man called Carew who was a member of the same Inn.

"Hello, Carew."

The other looked up, but held his pencil in readiness to take a note should an important piece of evidence be given. "Still wearing out shoe-leather about the Courts then?"

"You've got yourself a nice little plum," he countered.

"About time—had to eat too many sour gooseberries lately." He listened for a second, then wrote down "I did not commit misconduct on that night or any other night," looked up again. "How's Belinda?"

"Fine thanks. You married yet?"

"Attended too many divorce cases for that."

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"I took off my outer clothes because there had been rain and they were wet."

"I thought you were engaged to some law student?"

"She married someone in the Chancery Division—said his work there was so much more steady."

"The Respondent may have been wearing night clothes of a transparent nature—I didn't notice."

"It's a bit thick to chuck you over for things like trusts and legacies."

"She probably had the right idea. So long as people are inveigled into making complicated wills the beneficiaries are bound to have expensive rows about them . . . what the devil did he say just then?"

"Something about her nightdress not being securely fastened."

"Don't suppose it was after he'd been there five minutes—you're in Hunt's Chambers, aren't you?"

"Yes, why?"

"D'you know Morgan?"

"Yes."

"I heard a story the other day about him. It appears. . . ." He stopped as his Silk turned and spoke to him in an indignant murmur.

"Have you heard the latest score in the Test?"

"No."

"A hundred and two for six. . . . If I had the selectors here I'd flog 'em."

"Who's out?" asked Carew.

"All our best batsmen."

"She then lay down on the bed."

"Not all of them for a hundred and two?"

"Murderous, isn't it? We'll lose by an innings if we're not damn' careful. And that score was an hour ago so God knows what's happened by now."

"I didn't lie down with her—certainly not. But as I said, she was distraught so I did comfort her a little."

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"Maybe we'll get them on a sticky wicket."

"It's always fine when they're in."

"These days we only win at the Eton Wall Game because no one else plays it."

"Maybe my trousers were found under the bed, but I repeat, I did not commit misconduct."

"We were wondering what Illings' brief was marked at."

"More than mine—bet what you like on that. Three hundred . . . five hundred . . . Might be anything!"

"Couldn't be that high, surely?"

"I know I had no clothes on when the man called Abrahams entered, but as I've just tried to explain, I was about to have a bath."

"We'll soon find out. I'll ask Glasgow to have a quick look." Trent slid along the seat and whispered to the other, "What's Ugly's brief marked?"

"I've been trying to find out, but the blighter's carefully kept the back-sheet hidden. It can't be all that heavy or he wouldn't have suppressed it."

"I say anything over three hundred."

"Couldn't be that much. He's not worth it."

"Perhaps I did kiss her but it was purely in a brotherly manner and because neither of us had any clothes on that doesn't mean we did anything wrong."

"I wonder what the score is in the Test?" thought the Judge.

Alan and Crain returned to Chambers in time for tea. Ross had finished his work and was reading a magazine.

"Interesting case?"

"The big divorce—but none of the expected fireworks."

Miss Tulip entered with a tray and on it were three cups of tea and some biscuits—which she had bought herself.

"Have you heard?" she asked excitedly.

"Depends what?"

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"Mr. Hunt has been briefed in the Buxton case. They reckon it may last ten days."

"What's the brief marked?" Ross and Crain immediately asked.

Those connected with the law are inclined to have a limited range of conversation.

"Guess."

"Seventy-five? A hundred?"

"A hundred and fifty. Isn't it wonderful!" She left to take tea to the other rooms, and she so identified herself with the success of "her charges" that she felt as though it were a personal triumph.

Alan finished his tea and biscuits and looked at his watch. He yawned. "I'm off home. Supposed to be going out somewhere to-night." He said good-night to Ross and Crain, had a quick word with Mr. Primrose, left.

He walked from Beechcroft Station to the cottage. Belinda had just finished applying the third coat of distemper on the walls of one of the upstairs rooms. "I've had a heavy day of it," he said, with conviction.

He collapsed into the nearest chair.

CHAPTER EIGHT

BEEHCROFT PLACE was only one of several similar centres of modern culture, all within a few miles of each other.

Originally it had been a sleepy little country village named after the big house, the owners of which had always looked after the villagers with almost fanatical devotion. The benefits of civilization began to surge outwards from the centre of London and the first wave of any size toppled the big house and its owners into the dust. The villagers were told that they had found their freedom. New faces then began to appear in the district, as those who could afford to live out of London did so to prove it. These visitors wanted large and expensive homes and as often as not some ancient, dingy cottage had to be pulled down to clear the building site. The waves spread and increased in size and before long there was no farm land, and only half a dozen cottages left . . . but the villagers, if any remained, could enjoy the films that the local cinema showed, a complete change of programme taking place twice a week.

The same transition had taken place all round Beehcroft Place with the consequence that few natural and unspoilt pieces of land were left—a good thing since nature never arranged matters with the expensive orderliness that the new inhabitants of the district brought to everything they did. One piece of land that had been allowed to remain, possibly as some vague form of warning, was Stormy Valley. It was not large and its shape resembled a bedpan. The floor of the valley was covered with tired trees and brambles,

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and the sides of the slopes were a mixture of grass and discarded paper.

Stormy Valley was where the local inhabitants came to picnic if they wished to enjoy the glories of the countryside without actually venturing into it.

Belinda and Alan went there because they had no car and there was too much work to be done in the cottage to be away for the whole day.

Mr. and Mrs. Curry went there because they had guests and they could think of nothing else which would pass so much time.

Mr. Curry had asked the Pigeon family on a visit that would last the whole day and from the moment he had issued the invitation had regretted it. Mr. Pigeon had accepted because business was involved and from that moment he had urged his wife to find some valid excuse not to go. His young daughter, Penelope, had joined her parents because her current boy friend had lately shown signs of an unwarranted independence which had led him to arrange a day's outing before she had been consulted.

The picnic was not a success until Steven Curry stepped in a wasps' nest. For a moment he thought he had stumbled into nothing more than a small rabbit hole but the feel of something crawling up inside his trousers led him to other conclusions which were quickly confirmed when he was stung twice in rapid succession. He gave an alarming yell, leapt into the air and crossed his legs vigorously in an entrechat. When he landed he did the only thing possible and vanished. He thrust his way through brambles and past trees until he was out of sight of his party. Frantically, he undid his clothing and killed two wasps.

"Onion is the best thing," said a female voice.

He quivered from the shock and embarrassment and fearfully looked about for the first time. Belinda modestly studied the far side of the Valley. Alan seemed undecided.

Curry, as soon as he had the powers of movement, sprang backwards, but since his legs were encumbered he fell flat on his back.

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The scene became confused as Mrs. Curry, closely followed by the Pigeons, rushed into the area to discover what had afflicted her husband.

Mr. Curry stumbled to his feet, clothed, and filled with mortification.

"What on earth?" demanded his wife.

"Nothing . . . It's nothing at all."

Mr. Pigeon began to think that perhaps the firm of Seabord and Curry were not the best qualified to handle his business. Curry seemed to sense that fact.

"I was stung by wasps," he explained reluctantly.

"Then why didn't you say so instead of rushing off like that? Whereabouts?"

"In the leg," he amended.

His wife became efficient. "Show me, Steve."

"It's nothing."

"Don't be silly—we've got to pull the stings out if they're still in." She looked at his face. "And there's no need to become bashful—our guests have seen a leg before now: roll up your trousers."

"It's . . . it's a little high."

"For Heaven's sake, then roll your trousers up high."

He did the only possible thing and changed the conversation.

"The Paces are here," he said.

They all turned. Penelope took one look at the seated couple and cried out: "Lady B!"

"Penny-Pie!"

As school friends who had not met for four years they had much to say to each other. The two parties became intermingled and in the surprise and joy of reunion Mr. Curry was thankfully forgotten.

Several hours later, after the stings had received attention in the seclusion of their home, Mrs. Curry spoke to her husband.

"You remember when you were stung?"

"I'm hardly likely to forget it," he retorted.

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"And do you remember when the Pigeon daughter first saw Belinda Pace?"

"She's got no modesty."

"She seemed very nice to me—I thought her parents had brought her up very well."

"I'm talking about that Mrs. Pace."

Mrs. Curry decided to become firm with a husband who seemed to feel he was entitled to be an invalid. "Be quiet, Steve. . . . Do you know what Penelope said?"

"I'd remind you," he retorted as sharply as he dared, "at that moment I was in too much pain to listen to polite small talk."

"She said, Lady B."

"Did she? Well I wanted to say B., and you can think yourself damn lucky I didn't."

"Steven Curry—you'll keep quiet until I've finished speaking. Did you know she had a title?"

"No I didn't."

"He hasn't one, has he?"

"No."

"Then, Steve," her voice was eager, "don't you realize she must be titled in her own right!"

Her husband showed no interest whatsoever.

"If she has a title in her own right then her father must be at least an Earl. Steven—I'm certain there isn't an Earl for miles. What's more, the only possible title in this village is Dame Anne Thomas and everyone knows she only got it because she was a political something or other."

"Maybe Mrs. Pace's father only got his through politics."

"You're being very aggravating. Even if he did, that's a generation ago and there's a world of difference. Why, in those days you had to be really rich to buy a title."

"And so?" He knew what was about to come.

"You and I are going to apologise for our having been rude to them."

"I shall do nothing of the sort."

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She took no notice of what he said. "If we apologise they'll have to do likewise and honours will be even. Steven . . . if I could arrive at the literary circle with the daughter of an Earl they might ask me to be President next year."

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Belinda was applying the final coat of white paint to the framework of the window in their bedroom when the front-door bell rang. She sighed, laid the paint brush to one side and went downstairs.

Mrs. Curry gave her no chance to repel the proffered olive branch. The visitor was inside the house and blaming her husband and the weather before Belinda had time to collect her thoughts.

"It's just too silly!" declared Mrs. Curry. "Two civilized families like ours becoming upset over a trifling incident—sets such a bad example to the United Nations. I want to be friends, Belinda, and I most certainly won't take no for an answer."

"Well, I. . . ."

"And Steven thinks as I do, but I knew it would be so much simpler for we girls to get together while our husbands were at work and out of the way."

Belinda decided to smile. "Let me put the paint and brushes away and then make tea."

"That would be simply lovely."

She went upstairs and was in the middle of dabbing the paint brush in turpentine when the telephone bell rang. "Could you possibly answer it?" she called down.

Mrs. Curry lifted the receiver and at the same moment she received inspiration. "Lady Belinda Pace's residence," she announced, and she savoured the words.

There was silence. Then, "Is that Beechcroft two one four?"

"It is. Lady Belinda Pace's residence."

"Would you tell her Viscountess Joan wishes to speak to her."

She reverently put down the receiver on the small table and

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walked to the foot of the staircase. Belinda was already half-way down.

"It's Viscountess Joan to speak to you."

She stopped. "Who?"

"Viscountess Joan."

She decided there was only one thing to be done. She descended and picked up the receiver. "Hullo," she said.

"Who the devil's the lunatic, Belinda?"

"Who's speaking?"

"For Heaven's sake, it's Joan. You know—the girl you first met twelve years ago . . . The old coot who answered me said your house was Lady Belinda's residence so I said I was Viscountess Joan."

Belinda surreptitiously glanced at Mrs. Curry, who had stationed herself in a position from which she could hear everything without giving the appearance of listening. Belinda wondered if it had been the sun the day before, remembered the picnic, and realized where the answer lay. Penelope should have explained that at school the right people had nicknames to distinguish them from the wrong—her own had been ladybird, for some obscure reason, and in the course of time it had been contracted to lady B.

"Are you still there, my lady?"

The call was not a long one. Belinda replaced the receiver and then excused herself and went to the kitchen where she made tea, and quietly considered the various aspects of the case.

Just before Mrs. Curry left, after she had arranged a cocktail reunion later in the week, she could contain her curiosity no longer. "Do tell me, who is your father?"

"He was born a Mr. Watson," Belinda answered enigmatically.

"Alan—how are your principles?"

He looked suspiciously at his wife. "Unshakable."

"Surely you can allow yourself an exception every now and then?"

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"What's this leading up to, Belinda?"

"Briefs."

He sat upright in his chair. "You leave my working flours to me."

"Darling, there's no need to get alarmed."

"Now I know it's serious."

She hurried to explain. "Mrs. Curry called in the middle of this afternoon and brought with her a large hatchet which she buried. She said among other things that her husband wanted to apologize to you personally over the trouble there was with that ball."

Alan searched in his pockets and found his cigarettes. He offered her one, took one himself, lit them. "So far," he observed, as he extinguished the match, "you've treated me as you used to just before I offered to marry you. That means you're nervous, which in turn suggests that whatever set-up it is you've arranged, it stinks. I'll have nothing to do with it."

She explained what had happened.

"And Mrs. Curry said that her husband had promised to send you some work within the week," she finished.

Alan stared at the far wall and his brow was furrowed. Suddenly it cleared. "You know," he said cheerfully, "if the mis-statement comes from the person who gets taken in I don't see how it can be called false pretences."

"I hoped the law would find a way round," she replied.

"Mr. Pace," said Mr. Primrose, "the papers in Stone are back again."

"They're becoming as regular as income-tax reminders. Arrange a case like this for me twice a week."

The Clerk sighed. "It's not everyone, sir, that wants to go to law. People seem to think it's too costly."

"Justice, as the guiding flame of civilization, can never be too expensive," proclaimed Alan.

"What a lovely sentiment," said Miss Tulip.

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"Delightful," agreed Crain, who was also in the room. "The only trouble is it's been said before—by that company financier who gambled away all his clients' money and then received free legal representation."

"Ross was quite right," said Alan, "you're becoming sour."

Crain was about to reply when he correctly interpreted a look Miss Tulip gave him. He decided to keep his words until later.

Alan went through to his room, sat down and read the papers. There was to be another hearing before the Master, this time it was the other side asking that Particulars should be ordered under paragraph seven of the Statement of Claim. At the same time, the Defendants sought:

FURTHER AND BETTER PARTICULARS OF THE FURTHER AND BETTER PARTICULARS OF STATEMENT OF CLAIM.

Under Paragraph 4.

Of "the promise to be found partly in the words and partly in the pictures" stating which part of the promise is in which picture and which part of the promise is in which words, identifying the pictures exactly.

Alan began to think that although it was but recently he had considered the Pleadings short and simple, their simplicity was beginning to become slightly tortuous. To make certain he did not "owe" the other side anything, he wrote down the order of the Pleadings as far as they had gone and checked Requests against Particulars given. Satisfied, he turned to the forthcoming hearing. He found it difficult to believe that the Defendants would have any real grounds for their request, but at the same time he did not think Heldon would ask for something obviously out of order.

"What's it this time?" Crain entered the room.

"Only another Master's hearing."

"Only! The man says, only! At two guineas a time, I'd refer to it in a more respectful manner."

"Three guineas, and two more for the Conference."

Crain looked genuinely shocked. "Five guineas—you? I've

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never heard such gross over-payment . . . You can take me out to lunch to-day."

"I haven't paid last quarter's rent yet."

"Don't be so damn silly, old boy. No barrister with any pretensions to breeding settles his rent until the following year. It's like a tailor."

Alan threw the Pleadings across to the other. "Just for once, make yourself useful. You be the other side and tell me why you're entitled to Particulars under paragraph seven."

They discussed the question for twenty minutes, were interrupted by Hunt.

"Good, I've found the real brains in Chambers. I've got a problem, and one of you two can give me the answer." He sat down on Ross' desk—the other was away defending a man charged with bigamy. "I own a building that has always been three flats, each one of which came within the Rent Acts. I get fed up with the tenants—incidentally one of them kept a brothel and I'll show you how the landlord describes it—so I chuck out the lot who keep the brothel. One of the other flats then falls vacant and I set to work and because there are two staircases, I can change the rooms of the two flats around so that instead of each being on one floor I make them so that half of each is on one floor and half on the other. You follow the arrangement?"

"Near enough," answered Crain.

"I find two new tenants and I charge them a new and economic rent because I say that the two Rent Restricted flats have disappeared and in their place are two new apartments with uncontrolled rents. One of the tenants has an uncle or something who is a solicitor and this interfering busybody told them they weren't new flats and they needn't pay the new rent. They took us to court and won. Now we're going before the Court of Appeal. What I want to know is, on the decided cases has it been held that to be a different flat the physical structure of the rooms must change: or is a mere alteration of the rooms that composed the flat sufficient?"

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"Can't you find anything on it?" asked Crain.

"To tell you the truth, old boy, I've been too wrapped up in another feature of the case to look at this one: if you're not doing anything. . . ." He did not finish the sentence.

"I'll see what I can see," answered Crain.

"Good lad." Hunt rushed from the room as though the case were due to be heard immediately. He rushed everywhere, even on the rare occasions when he had a Chancery matter.

"Cunning old devil," muttered Crain. "He'll do anything to avoid looking up his own references. Says it gives him a headache. When he was a Junior he's supposed to have had three pupils who never did anything else but look them up for him . . . and pay him three hundred guineas, of course."

The morning passed quietly and Crain and Alan left Chambers early and had a quick meal at a little Greek restaurant.

"Thanks," said Crain.

"The next time you get some work you can do the same for me."

"That's a safe bet." He suddenly lost his air of cheerfulness and for a brief moment looked sad. "Another few months and I've had it," he said. "That'll be the end of what little capital I had and I'll have to leave the Temple and earn an honest living somewhere."

"Something may turn up," Alan answered uncomfortably.

"That's the carrot that's always dangled before counsel's nose. Unfortunately, the donkey's too near starving to wait any longer."

They parted and Alan made his way to the Bear Garden.

"Afternoon," grunted Polson reluctantly. "Thought you weren't going to arrive here in time: we're first on the list."

"I decided to have a second helping of cream trifle."

The solicitor shuddered and felt the dry biscuits, that alone had constituted his luncheon, quiver. "Had you forgotten we're supposed to have a conference?" he asked sarcastically.

"We've still time—not quite twenty-five past yet."

"You're a minute slow," muttered Polson, as he declined to admit that there was nothing about which to have a conference—even if it was to be paid for by the client.

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"I feel more cheerful about these Particulars—shouldn't think they'll be ordered."

The solicitor refused to be equally cheered. "The last request we had from the other side for Particulars: we're not giving them and they'll have to try and obtain an order for them."

Alan looked at him. "This time I don't see we can possibly refuse to give them—I had a quick look and they're perfectly justified."

"Means you made a pretty bad mess of things when you drafted the Pleadings, doesn't it?"

"I don't think that's quite correct. After all, if. . . ."

Polson interrupted him. "Well I do! But since the damage has been done we'll just refuse to give them."

They were suddenly parted by a group of men determined to reach the far side as quickly as possible. Before they could resume their discussion their case had been called out.

They met Heldon, in city clothes, at the door.

They were before Master Symonds, and as they filed into the room he looked up. "Back again," he observed.

"My opponent is a very stubborn man," said Heldon.

"I should have thought a little patience would have helped to smooth events. I must say that I'm surprised that this matter should come before me again—it's not as though it were an action where every step has to be watched. Surely more regard could have been given to the subject of costs—which cannot, even at this early stage, be negligible?"

The two solicitors looked at one another and each mirrored the expression of anguish to be found in the other's face.

"Master, with very great respect, as you well know the matter of Pleadings is of the utmost importance and counsel has. . . ."

"Mr. Heldon, I once had the pleasure of reading the Pleadings drawn up by a counsel who was suing as Plaintiff—he was noted as a most meticulous pleader and on one occasion his Statement of Claim alone had run to twenty-one pages, yet on this occasion his entire paper work was only five lines. It's amazing how an im-

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mediate concern with the costs will keep down words."

"I trust, Master, you don't. . . ?"

"Good heavens, no, Mr. Heldon. Far be it from me to suggest that a man of your experience could use less words—that possibility can only be reserved to those who have no previous knowledge of the art of verbosity."

"Senile," whispered Heldon to Alan.

"Now that you have expressed your opinion of me to your learned friend, Mr. Heldon, let us hear what you have to say with regard to paragraph seven of the Statement of Claim."

For one moment Heldon thought his whisper had carried too far, then he realized the Master had been guessing, guided by experiences from the dim and distant past. "Master, paragraph seven of the Statement of Claim would, I suggest, satisfy even your expressed liking for brevity. It consists of nine words. But, Master, this brevity unfortunately leads to confusion since it is. . ."

"Surely, Mr. Heldon, there can only be confusion if I order the Particulars? If I decline them, nine words will have proved ample."

"Master," he replied, and he smiled to take the sting from his words, "this places you in a difficult position—should you not order the Particulars it might be said that the reason was your desire to prove a theory."

"On the contrary, Mr. Heldon, it would be said that I was sufficiently strong-minded to see that difficulty but that I ignored it in the interests of justice."

"The old basket," he muttered, "he's got more answers than we've got Particulars." He shuffled his papers. "Master," he added aloud, "I will not weary you with anything unnecessary, but I must refer you to. . . ." He spoke at some length.

Alan answered very briefly.

The Master looked up, and the expression in his eyes was not one normally observed in the Law Courts. "No," he said. "Costs in the Cause." He crossed his arms and it was plain he had finished his judgement.

Heldon was about to say something when he changed his mind.

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He shrugged his shoulders. "Disagree," he said.

"Too bad," replied the Master.

"Very good," commented Alan.

Only the solicitors failed to appreciate the repartee, but that was because had they had a sense of humour they would have chosen some other job.

Everyone left the room. Once outside, Heldon offered Alan a cigarette. "I'd like to have seen him when he was counsel," said the former. "He didn't give a damn what he said or did—which was why he never made the Bench. Probably just as well or we might be restricted to twenty questions." He looked at his watch. "I've got to return to Chambers—conference at two-thirty and I haven't looked up the law yet. Don't doubt I'll be seeing you again soon!" He left.

Polson approached Alan. "Re those Particulars the other side's asked for. . . . I don't want you to give them."

Alan flicked the ash on to the floor and dispersed it with his shoe. "My advice is that they should be given."

"Mr. Pace, I should not have to remind you that it's unusual for counsel of your experience to disagree with his Instructing Solicitors."

"Then you'll have to try and recover from the shock of the unexpected." He tried to contain his anger.

"You don't seem very determined to look after your best interests." Polson's face was flushed.

"Perhaps I'm too concerned with the integrity of my position."

"Mr. Pace, after this you can hardly expect our firm to consider you as anything but an impertinent young man." His voice was thick.

Alan turned abruptly, and it was an expression of very great contempt. He left.

Polson returned to his office. He called for Hammond.

"Did they get the order, sir?" asked the Clerk.

"Young Pace refuses to obey instructions: he says he will give those Particulars whatever I say."

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Hammond whistled silently.

"He had the nerve to hint that he was honest and we weren't."

"That's downright slanderous—as well as being a lie."

"The papers will now go to Jones."

Hammond smiled. "That's where they ought to have gone in the first place," he observed. "With a case like this it's a crime not to pick all those plums that are hanging on the tree."

CHAPTER NINE

EVERY trade and profession has its black sheep—who can often be identified by their taste for the more expensive cars, and their shocked horror when one of their number is discovered and exposed to an indifferent public.

The present British legal system by which work can only reach a barrister through a solicitor was undoubtedly designed for “arrangements.” The widest of wide boys could not devise a more fruitful set-up. It mocks the professional honesty on which barristers so fiercely pride themselves. Indeed, the amazing fact is, that the proportion of counsel who “arrange” is relatively small and not very flourishing, mainly because the solicitors hold all the trumps and see no reason why they should play them when they are bound to win. Therefore, counsel who “arrange” must not be confused with rich counsel who become fashionable through carefully conducted publicity campaigns.

The “arrangements” vary, but may roughly be placed under two main heads. Direct bribery of the solicitor’s Chief Clerk and “kick-back” of part of the markings on the brief to the instructing solicitor: secondly, an acceptance, without reservation, of any instruction from the solicitor as regards the conduct of the case, i.e. a readiness to double the necessary paper work and interlocutory matters.

Jones had started at the Bar twelve years previously. After six years’ practice his income was still below three hundred pounds per annum and at least half of this sum came from the firm of Fitch, etc. Tolley was no fool, whatever anyone said to the contrary, and

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he chose the moment well. He invited Jones to lunch, commiserated with him over the difficulties of the profession while they ate the meat and two veg., offered the other the choice of two alternatives as they finished the sweet. Jones could lose all the work that came from Fitch, etc.: or Jones could do precisely as he was told at all times and receive practically all the litigation the firm handled. Since he had a wife and child who liked to eat, he chose the second alternative. The arrangement worked smoothly and to the benefit of everyone except the clients, who never suffered since they had no idea their bills were fifty per cent higher than they should have been.

"Care to come and have a pint at the local?" said Polson to Jones over the telephone later in the same day that Alan had so upset the solicitor. "Six-thirty at the usual."

"Right you are."

"Got something important to discuss with you." He replaced the receiver.

The two men lived within half a mile of each other and they arrived together at the public house.

"Beginning to get a nip in the air at nights now," said Jones.

"Isn't it," answered Polson carelessly. He entered the bar first and ordered two pints of ale. "Been busy lately" He smiled sardonically.

"Has been a bit hectic." For some obscure reason Jones tried to maintain an impression of success. It went ill with his cheap suit that was shiny at the bends and frayed at the ends. It hardly accorded with the eager way in which he agreed with anything the other said, be it a matter of law or a pronouncement on the life expectations of the Peruvians.

"I must remember not to send you too much work then."

Jones laughed nervously.

"D'you recognize the name of Pace?"

"Counsel?"

"A young chap who's been called for a mere three years, but

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thinks he knows all the answers," he ended angrily.

"I don't know him."

"We gave him a small piece of work to do because we wanted to extend a helping hand but his thanks consist of ignoring what we say and refusing to do as we suggest."

Jones blinked. He thought the word "suggest" had a delightfully ironic sound.

"If this Pace were either as old or self-righteous as Sir Gerald, there might be some excuse for his attitude, but he isn't. In a young beginner like him it's impertinence—after all, I've been connected with the law for quite a lot longer than he."

"Didn't you explain that to him?"

"I didn't think it was necessary."

"The circumstances must have made it obvious." It was Jones' last form of self-respect: to mock the other under cover of words that could be praise. It was perfectly safe: Polson never realized the ambiguity.

The solicitor spoke quickly. "To cut the story short we're passing the case Pace was doing on to you. It's very interesting but we do have to be careful how we tread and because of that we need all the Particulars from the other side that we can get. I feel strongly about this, and I'm prepared to go before the Master whenever necessary. It'll prove an economy in the long run." He was the type of man who had to have the hard facts covered with as many layers of justification as he could think up.

"It's always pleasant to help effect an economy," said Jones.

"Thank God some of you counsel can see daylight. Have the other half?"

"It's my turn."

"Nonsense, man—I like to treat my friends: besides, I'm really being selfish . . . there's a pleasure in giving that cannot be equalled by receiving," he added seriously.

Jones sat at his desk in Chambers. He had the brief of Stone and Nodoe Products before him and he knew the possibilities. It

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could mean a great deal in the way of fees. But previously it had been to another counsel.

One barrister could not handle another's brief until he had made a personal check.

Jones had wondered if he could by-pass that unwritten law. But he had decided against it. It was one thing to run up costs against an unknown client: it was another to take advantage of fellow counsel. If he had been more honest with himself he would have admitted that the invisible ethical bonds prevented him, even though he thought he had long ago cast aside such luxuries.

He telephoned Alan after his Clerk had traced which Chambers the other was in.

"Morning Pace—Jones here, Temple Row." The fact that he had not used the prefix Mr. would have been sufficient, without the address, to show he was barrister speaking to barrister.

"Good-morning."

"I've got a brief here, Stone against Nodoe Products."

"Have you!" His surprise was plain.

"I note you've handled it up to now—did you pass it back to the solicitors?"

Alan spoke bluntly. "I did not. A man named Polson wanted me to refuse Particulars when it was perfectly clear they should be given. I damn nearly refused the case in the beginning because the cause of action seemed too doubtful, but there was a slim chance that the Plaintiff could succeed . . . and I gathered the Plaintiff was determined to bring the action come what might. Because the case was brought is no reason why the Particulars in question should be refused and thus entail another hearing before the Master. We were before Symonds the other day and he dropped a strong hint regarding the costs of the case to date. I told Polson so and it didn't seem to suit his ideas one little bit; which is why, I suppose, you were given the brief."

"You didn't know it was being sent to someone else?"

"I'd no idea."

"I'll get my Clerk to bring it to your Chambers."

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"The only thing is. . . ."

Jones spoke flatly. "They ought to know perfectly well they can't do that sort of thing. Your advice is final."

"I'm sorry if it's upset matters your end."

"Nothing to do with you."

"Thanks for letting me know."

Jones replaced the receiver. He wondered what Polson would say.

For several minutes Polson could say nothing. It was as though the china rabbit on the mantelpiece in his sitting-room had suddenly bitten his nose. It was as though his own flesh and blood had questioned his honesty.

He called Hammond, who arrived hurriedly worried by the other's tone of voice. "What's the matter, sir?"

"Jones has just been on the telephone—he says he's handed the brief back to Pace."

"I beg your pardon?"

"I said, he's returned the brief."

"Good God! What happened?" he asked stupidly.

"The man must have gone mad: he mumbled something about the unwritten laws of the profession."

"But . . . what did he mean?"

"The rule which says one counsel can't take another's brief unless the other agrees."

"That one! Who ever heard of anyone taking any notice of it?"

"You have, you idiot, right now. Jones has passed the brief back."

"How did Pace find out so quickly?"

"That's what really gets me, Hammond. Jones sent it back of his own accord. No one knew what had happened: no one told him to do anything—he just returned it. It was a mean thing to do."

"No one made him?"

"That's what I said."

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Hammond passed a weary hand over his forehead. He pondered the situation, then said: "I can't understand it."

"Neither can I."

"One thing's certain—if Jones won't do it—no one else will."

"Damn these rules. How's a man supposed to live when a thing like this can happen the moment one turns one's back?"

Mr. Primrose entered Alan's room and checked that no one else was present. "This has just come, sir." He placed the brief on the desk. "Mr. Jones' clerk brought it." There was a sharp note of inquiry in his voice.

Alan explained. "I refused to obey orders, Primrose, and it upset my taskmasters so much they tried to send the papers to someone else. That someone else was Jones, who promptly returned them to me."

"I'm glad he did that, sir." Since the affairs of the Temple were known to all Clerks, Mr. Primrose was astonished that a man like Jones should have returned the brief without even being asked. "What precisely was the trouble, sir?"

Alan told him at some length.

"They're not a firm I like to see brief the members of these Chambers, sir."

"A brief's a brief," Alan protested.

"Anyway, sir, you can be certain this is the last piece of work they'll ever send you."

"Something tells me, Primrose, those are the truest words you've ever spoken."

"You'll be well out of it, sir."

"I'd conduct a case for the devil if he paid me."

Mr. Primrose shook his head sadly, left the room.

Alan prepared to draft the Particulars that had caused so much trouble.

FURTHER AND BETTER PARTICULARS OF FURTHER AND BETTER
PARTICULARS OF STATEMENT OF CLAIM.

If the pictures be numbered 1-9 from left to right in threes,

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then numbers one and two, which are at the dance, show what fate befalls those who are not a social success. Pictures 7, 8 & 9 illustrate the amazing change that occurs once Nodoe has been taken. The descriptive words beneath underline these pictures and further make the explicit promise that if marriage does not follow a course of Nodoe, then Nodoe Products Ltd. will "find her for you."

He was about to take the papers through to the Clerks' room when he had an idea. He telephoned Heldon

"Pace here. . . . Good morning . . . those Further and Better Particulars you wanted, I've just drafted them."

"I see. . . . ?" Heldon wondered why he was being told, and his voice expressed the query.

Alan explained nothing, but rang off. He grinned. He thought that if Fitch, etc. should decide to tear up the Particulars that had just been drafted and tell the other side they had been refused, thereby making certain of another hearing before a Master, they would have some difficulty in explaining matters. He rather hoped they were as tricky as he credited them with being.

Alan arrived home one evening to find his wife with a glass in her hands that was unmistakably filled with a cocktail. It was the first time he had known her to drink on her own. "What in the world?" he asked.

She looked at him. "I had a bet with myself that if you found me like this you'd immediately believe your wife had become a private drunkard . . . you're always so sympathetic."

"You're in a tizzy," he said.

She eyed him with definite disapproval. "Sometimes, I think my father was right about you."

"If you want an argument about your father, my sweet, I'm ready and willing." He kissed her. "Now spit out the poison and tell me what it's all about. And to deprive you of the thrill of solitary boozing, I'm about to mix one for myself."

"Alan—this afternoon, until a quarter of an hour ago, I sacrificed

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myself on your behalf to the n'th degree. You know that old trout we met at the Curry's?"

"The one who asked me for free legal advice?" He sat down at her side.

"That's the one. She's been here this afternoon. She's some form of official in this cultural and literary society and she came to bludgeon me into joining. I told her Mrs. Curry had already asked me, but she said just what she thought of that lady . . . until Mrs. Curry visited me because she had seen the Old Trout arrive and was suspicious."

"A formidable combination."

Belinda reached into his pocket and helped herself to a cigarette. "Since they found it was together or nothing they decided to combine: they can now each claim half a new member."

"You should have kept clear of that sort of thing," he said, as he relaxed.

She was about to answer him when she decided it was not worth the trouble. "They thought Tolstoy was strong, Mark Twain funny, George Sand daring: they found much to condemn in Dickens and Thackeray."

Alan looked surprised. "Funny—they didn't strike me, either of them, as the kind of people who read very widely."

Belinda did not answer until she had finished her drink. "They don't: but two weeks ago they had a lecture."

"Something that they understood what it was about."

"After that burst of learning the Old Trout asked me what I thought of Monsieur Henry Miller."

Alan realized he was supposed to say something. "Did you tell them you liked him?" he asked.

"Mrs. Curry spent a quarter of an hour comparing his gentle style to that of the post-classicist romantics."

"Another lecture?"

"*Readers Digest*, I think, but she was a little mixed up." She inhaled the smoke slowly. "I tried to resist but it was hopeless. In the end I signed something or other just to gain peace."

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"Darling, how many more times do I have to tell you never to sign anything. . . ."

"Shut up! I became a member of the society and the Old Trout departed, happy and glorious. But that didn't get rid of Mrs. Curry. She gave me the full benefit of her enormous library list, finally reminded me that next week the society would study French and German authors of the sixteenth to twentieth centuries, and suggested I might like to get together with her one afternoon when we could go through the subject."

"Well done the Buffs."

She groaned. "I can't think why I suffered all this when it's obvious you couldn't care less. . . . But perhaps you'll show a little interest if I tell you her husband is definitely sending you some work?" She sat back and waited for his praise.

"I don't know that I want it," complained Alan. "I've too much to do at the moment as it is."

She refused to acknowledge that what he had said was in any way humorous.

FURTHER AND BETTER PARTICULARS OF DEFENCE.

Under Paragraph 4.

The whole advertisement is in the nature of a puff and the moral it contains is meant to illustrate to normal persons what could happen under certain circumstances and is, by its very nature, no indication of what must inevitably happen on every occasion. The words "We'll find her for you" were intended to be light-hearted repartee of a facetious nature such as, it is believed, may frequently be heard given under the auspices of the British Broadcasting Company.

Under Paragraph 5.

Mrs. Walsh is the lady who occasionally scrubs the floors of the London offices of Nodoe Products Ltd.

Alan read the description of Mrs. Walsh and wondered how and where she came on the scene. The Instructions from the solicitors had been as curt as was possible, and had made no mention of

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whether William Stone had eventually remembered who the lady in question was, or not.

The door of the room half opened and Miss Tulip's head appeared. "Guess," she said brightly.

"Somebody's got a brief," answered Crain.

"How did you know?" she asked, and she sounded disappointed.

Neither of the two in the room pointed out that every time she brought a new brief to them, she adopted the same kittenish air which in anyone else could have been called ludicrous.

She advanced into the middle of the room and held a bundle of papers in the air. "Quiz?"

They were too busy trying to read the writing on the brief to answer.

"If no one wants it. . . ."

They could hardly conceal their impatience as the old questions arose. Who was it for? Was this the brief that would lead to success?

Miss Tulip lowered her hands. "It's for you, Mr. Pace," she said flatly. She placed it on Alan's desk. "'Though I don't think you deserve it! When I first came to the Temple, if I'd said quiz the whole room would have replied ego at once."

He picked it up with loving care and then read the figure 20. He blinked, looked again, checked to make certain it was his brief and not someone else's. *Mr. Alan Pace—that was he! Brief for Counsel for the Defendant. Barnaby Quarter Sessions. Solicitors, Seaboard and Curry. Twenty Guineas. . . . Twenty clinking guineas.*

"Now what do you think?" she asked.

"It's more beautiful than the Mona Lisa," he murmured in awe.

Crain crossed the room, his curiosity increased by Alan's tone of voice. He twisted the brief round until he could read it. "Ye gods!" he exclaimed. "Twenty guineas. You—Alan . . . twenty guineas! The age of miracles is upon us. If you get a brief for that, I shall get one for a hundred." He walked slowly round the desk. "Those figures look just as beautiful upside down, or sideways.

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They have a full-bodied roundness to them that attracts: their outline is piquant and tantalising."

"There you are, Mr. Pace." Miss Tulip pranced out of the room, satisfied that her gift had at last received the attention it deserved.

"Alan—where lies this source of glorious technicolor vista-vision briefs?" asked Crain.

"My wife's joined a literary society in which one of the main contestants is the wife of Curry of the firm of Seabord and Curry."

"That's the most sensible reason for getting married I've ever heard," muttered the other. "Can I have a look?"

"Help yourself—I've got to draft a Reply in this other case before I go any further."

"Let's place the two briefs together. There's something disgustingly plutocratic about two briefs to the same person on the same desk. It's like the widow of a car salesman winning the football pools." Crain placed the briefs side by side and admired the unusual effect. He then took one of them, opened it, and read the papers.

Alan began to compose the Reply and he realized he would have to telephone the solicitors. It might have been a case of telepathy since at that moment the bell rang and when he lifted the receiver he spoke to Polson.

"I've had a word with Stone," began the solicitor without any introductory greeting. "And he finally remembers who Mrs. Walsh is. She's the charwoman at Nodoe offices and when he left there after he had made his complaint about the broken contract he slipped on a piece of soap she was using. Apparently, the man to whom he had complained saw this, laughed, and told him to marry that lady. She promptly turned round and said her old man would hear about it and then the fur would fly. Have you got all that?"

"Not really," admitted Alan.

"I've made it perfectly clear."

Polson rang off and Alan was left to draw up the Reply to the

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Defence. It caused him a great deal of trouble. One moment he produced a Pleading that was almost pure farce, the next the result was so pompous it was equally funny. He finally enlisted Crain's help and together they managed to produce something which they felt was not too un-legal-like.

REPLY.

1. The Plaintiff was not introduced to a Mrs. Walsh, or any other lady, at any time.
2. If, which is denied, the Plaintiff was introduced to a Mrs. Walsh such introduction was not within the terms, express or implied, of the contract.
3. If, which is denied, the Plaintiff was introduced to a Mrs. Walsh, the said Mrs. Walsh was married at the time and the introduction could not have been a valid one for the purposes of the marriage of the Plaintiff. If, which is denied, Mrs. Walsh is unmarried, she is not the type of person as promised by the drawings in the advertisement.

Alan put the papers of Stone and Nodoe to one side.

"What's this other little lot about?"

"Driving case," answered Crain. "We were in a sports car doing sixty through a built-up area and at one point we forced an oncoming car to mount the pavement and tie its wheels into knots around a lamp stand."

Alan took the papers and read through them quickly. "I wouldn't like to be us," he observed. "We're going to catch it right in the neck."

"That's a hell of a thing to say about the man you're defending. Think of the poor devil of an accused person," suggested Crain. "His own counsel decides six months is an appropriate sentence."

"Can they award that much?"

"How the devil should I know?—that's not the point. I really think I ought to get in touch with the solicitors and advise them to change to a counsel who believes in the prisoner's innocence, feels a fierce urge to secure his acquittal, is zealous for the fire of

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conflict, and is very much more competent than the pessimistic blighter he's got at the moment."

"Like to get me Archbold" was the only answer.

"I'm not appreciated," he muttered sourly, as he left and entered the next room where he searched for the text book which would provide Alan with all the law he needed for a case which was primarily a matter of evidence.

Alan read the proof of the accused through a second time and hoped the latter would remember his story when he was in the witness box since it had great charm in that it cast all the blame elsewhere. But even in the relatively short period Alan had been at the Bar, he had learned the difference between the story told to the solicitor and typed out as a proof, and the evidence given in the witness box. Sometimes it almost seemed as though the taking of the oath had an effect.

He opened a notebook and began to write down the main heads of questions he would ask the police witnesses in cross-examination, and also, in more detail, the way in which he would take the accused through his story . . . a more difficult task than cross-examination. He tried to work out a defence if the evidence should prove to be substantially as was claimed by the Prosecution, and he found it difficult. Members of the jury, his lips silently whispered as he prepared to write, the accused has been brought to court on a charge that cannot be substantiated for one moment. . . .

CHAPTER TEN

THE inhabitants of the large market town of Barnaby were fortunate. Their Chairman of Quarter Sessions was a silk who distributed justice with scant reference to the civilians who sat on either side of him: in contrast to the near-by town of Warnley where Justices of the Peace sat and where justice was a variable quantity.

The courtroom at Barnaby was also used for Magistrates' hearings, and in view of the work it had to do throughout the year it had been decided that accommodation for counsel should be better than usual—it was, in fact, almost up to the standard of a suburban railway-station waiting-room.

Alan arrived and he looked tired. He sat down on one of the upright wooden benches and leaned back. To reach Barnaby before the court sat he had been forced to leave the cottage at an hour when all respectable persons were asleep. He wondered if the misery was worth the twenty guineas.

After a few moments he recovered, opened his blue bag and took out his robes. He changed rapidly, and after a last look in the cracked mirror to check that his wig was straight he tucked the brief into his notebook and went in search of either a solicitor or a client.

He found neither until twenty past ten when, rather as a last resort, he asked a timid looking man if he were Hoskins.

"Yes, sir," said the other.

Alan examined the accused. It needed considerable imagination to envisage the other driving anything but an invalid carriage,

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let alone a sports car at sixty miles an hour.

"There are one or two points I want to check with you in a second," he said. "You haven't seen anyone from the solicitors yet, have you?"

"No, I haven't."

"I guess we can get by without them," said Alan. "Let's sit down over there." He indicated some chairs in the corner of the small hall and as soon as they were settled he opened his notebook. "In your proof you said that when the trouble began you were driving at thirty miles an hour—what makes you so certain of this speed?"

"I checked on my speedometer."

"Why should you have studied it?"

"I saw the police car behind me and I didn't want to exceed the limit."

Alan considered the answer and thought that perhaps, after all, it was a good one. "About this other car that crashed—how did that happen?"

The little man shrugged his thin shoulders. "It was all over so quickly. But as I explained to the solicitors, as I remember it the police car came alongside me and someone waved to me. I couldn't think what they meant as I knew I hadn't done anything wrong."

"And then?"

"The policeman in the passenger seat shouted something which naturally I didn't catch and the car accelerated, then braked violently. All I could do was swerve round the outside—wasn't it?" he appealed.

Alan nodded his head, since it sounded reasonable.

"As I came round the outside of the police I met this second car head-on—it was a woman driver," he explained, "in the middle of the road. I swerved to the left and scraped through, but she swung her wheel hard over and braked just at the wrong moment and went into the lamp-post. Damn fool driver," he said severely, "not fit to be on the roads."

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Alan looked up from his book in which he was making notes. "I shouldn't add that bit when you're in the box, if I were you."

"Of course not. That's between you and me."

"A small point, but when you're giving your evidence. . . ."

"I'll say that she tried her best to avoid the smash."

"Good—makes the jury think you're being fair to the other side: and they'll bend over backwards to be fair to you."

"It's a funny thing," reflected Hoskins, "but that's almost precisely what the last chap said."

"What last chap?"

"Barrister called Farmer. He put up a very good defence but the jury would believe the other side. I didn't mind the fine; it was the suspension of licence that worried me."

"How long ago was this?"

"D'you know I only got my licence back the very day the police picked on me again!"

Alan decided he should proceed no farther into the history of the accused's driving career. A jury was quick to notice when the edge was gone from counsel's address because he believed his client guilty. He looked at his watch. "Time we made a move: we're second on the list and a policeman told me the first man had decided to plead guilty."

"Very silly of him," said Hoskins. "One never knows . . . Prosecution can often slip up."

Alan agreed. "If every man in every Court pleaded not guilty our system of criminal justice would fail—the Courts couldn't handle the work."

"I've always worked on that idea myself. I remember the time I was. . . ."

"I'll have a quick search for my Instructing Solicitors," Alan said hurriedly. He had only just left the hall when he stopped abruptly.

Steven Curry had spent five minutes in his search for Alan and since he had arrived in an explosive temper those five minutes were welcome additional fuel.

"There you are!" he said angrily.

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Once he had overcome his surprise that so high a member of the firm should attend, Alan did not need to consult his horoscope to realize he was face to face with upsets in the business world. "I've just had a conference with Hoskins," he said, in an effort to ease matters along smoothly.

"Who was your wife's father?" Curry ignored the non-essentials.

"In what way?"

"You know perfectly well in what way, Mr. Pace. Let me make one thing clear, here and now: if you think. . . ."

It was Alan's turn to interrupt. "About the client," he began.

"Hang the client."

Despite such sentiments, he persevered. "I want to know whether you consider it worth while trying the line that he was not really. . . ."

"Will you keep quiet," snapped Curry. "Answer me—who was your wife's father?"

Alan did the only possible thing, even if his action was tinged with cowardice. "Excuse me," he said. He turned and walked very quickly to the doors that led into Court. A policeman opened them for him and he entered.

He bowed to the Recorder, sat down on the wooden bench and opened his brief. Evidence was being given of the long list of previous convictions of the prisoner in the dock.

"Who was her father?"

Alan started, turned. Curry had followed, sat down on the solicitor's bench immediately behind him. "For Heaven's sake," he said, "not here."

"Don't you tell me what to do, you young scoundrel." Curry had taken all the trouble to come to Barnaby to have a row, and he had no intention of being denied that pleasure.

"Keep your voice down."

"I'll speak just as loudly as I want," he declared.

The Recorder regarded the far end of the benches. "I'm sorry to hear that," he observed.

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Curry smiled weakly.

The Recorder finally turned back and nodded at the policeman, who thereupon continued with his evidence.

"He's nobody," whispered Curry furiously. "You lied, you tricked my wife."

Alan concentrated on his brief.

"You had the audacity to think you could trick me. You thought I'd be taken in by any old story. Let me tell you, Mr. Pace, no one treats my wife like that and gets away with it."

"Keep quiet: you're raising your voice again."

"That's enough of your insolence. No one tells me what to do."

Curry had again spoken a little too loudly.

The Recorder addressed him. "I beg to differ."

The Recorder put his pencil down on his book. He clasped his hands together. "I am about to tell you precisely what to do . . . Leave the court."

"You don't know who I am," retorted Curry.

The Recorder smiled the smile that was on the face of the tiger. He was about to speak when Alan rose hastily.

"With very great respect, Sir, Mr. Curry is my Instructing Solicitor in the next case."

"So I gathered when I heard him as he instructed you just now."

"Yes, Sir, but. . . ."

"Mr. . . ." He consulted the list of Counsel he had been given, and was able to deduce the correct name. "Mr. Pace, do you consider the presence of your Instructing Solicitor vital to the presentation of your case?"

"Sir, it depends what you mean by vital," replied Alan, somewhat befogged by the question.

The Recorder did not explain. "Mr. Pace, perhaps the best thing would be for you to extract an assurance from your talkative friend that in future he will be silent while in this Court."

He turned and was about to speak to Curry when the latter forestalled him.

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"For two pins I'd tell that idiotic pedant what should have been said to him a long time ago." Curry had great trouble in keeping his voice low. "And as for you, Mr. Pace, when I've . . ."

"What does he say?" asked the Recorder.

Alan wished the entire Court to hotter climes. Aloud, he said, "My Instructing Solicitor would like to apologise, Sir."

"I've no intention of doing anything of the sort. Who the devil are you to say what I want to do?"

"I'm glad he has eventually found some manners."

"Yes, Sir."

Curry looked as though his blood-pressure was rapidly going beyond the limits of safety. "Will you . . .?"

"Can't you keep silent," pleaded Alan.

"Not when you tell that self-satisfied. . . ."

"Mr. Pace," said the Recorder, "I feel certain that your Instructing Solicitor has sufficiently expressed his repentance. Even a good thing can be overdone."

"Oh, my God!" stormed Curry. "The congenital idiot . . ."

He dared struggle no longer, but left the courtroom with a rush.

Alan smiled weakly at the Recorder, who smiled back and then told the policeman in the witness box to continue.

Within four minutes the prisoner in the dock had been sentenced and removed below, and the case of "Regina and Hoskins" was called. The jury was sworn, the prisoner was formally charged and his plea of "not guilty" taken. Prosecuting counsel rose.

"Members of the jury, I am here to present the case for the Prosecution, and my learned friend, Mr. Pace, represents the Accused. The prisoner is charged with. . . ." He did not speak at great length.

The first witness was called. He had been the driver of the police car. He gave his evidence succinctly.

Alan was somewhat undecided as to what his tactics should be, more especially since Curry had left without a word . . . that was not strictly accurate, of course. The Police were calling four main witnesses, and three others whose evidence would be only of a

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formal nature. The Defence relied solely on the prisoner. Four against one were not the best of odds. Again, the jury would instinctively believe the police who were called, but this was not so greatly in favour of the prosecution as it might seem—if their evidence could be faulted, no matter how insignificant that fault, the entire stories would be disbelieved since the jury would feel they had been betrayed by someone who should have been beyond reproach.

Alan rose to cross-examine. "You say the accused was driving at sixty miles an hour within a restricted area?"

"Yes, sir."

"How do you know this?"

"By my car's speedometer, sir."

"For the moment I want to divide the happenings of the day in question into two distinct heads. First, this so-called speeding: secondly, from the moment that the police car deliberately and dangerously swerved in front of the accused's car and so precipitated the accident." He studied the jury. He had planted a grain of doubt with regard to that swerve of the police car: now he must water it. "Take the first head. Would you say the accused did anything intrinsically dangerous?"

"He drove at sixty miles an hour in a built-up area, sir." The policeman sighed wearily. He knew what was to come.

"Was the speed in itself dangerous?"

"I thought so, sir."

Alan looked meaningly at the jury. "You thought that this speed of sixty miles an hour was dangerous?"

"Yes, sir."

"But you were also doing sixty miles an hour, weren't you? In order to be able to measure the speed on your speedometer?"

The jury thought it a very strong point. The Recorder tried to reflect if he had ever heard a driving case into which it had not been introduced, and the Prosecuting Counsel drew a two-headed eagle which looked rather like a sick cow.

"Yes, sir," agreed the witness at length.

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"Then were you also driving dangerously?"

"No, sir."

"What's meat for the police is poison for the private citizen—is that the correct answer?"

At least he has a new presentation, thought the Recorder. The Prosecuting Counsel sighed and decided to call the animal a cow after all.

"Two people, sir, can drive at twenty miles an hour, and one will be driving carefully and the other will be driving dangerously."

"That's very true," thought the jury, and favoured the police evidence once more.

"Then it's purely a matter of skill? Speed is unimportant?"

"No, sir, you don't quite understand me."

Alan looked, and sounded, shocked. "It's not I who have to understand you—which is as well since at the moment it seems to me there's never the slightest hope for the motorist as whatever he does is wrong according to the police—but the jury."

"Perhaps," interrupted the Recorder, "the jury have succeeded where you have failed, Mr. Pace?"

"Then they may be said to have achieved the impossible, Sir."

"Or the obvious, Mr. Pace."

Alan thought the last remark unfair and he searched through his papers as if to find out at what stage of the cross-examination he had been before he was so sharply interrupted. The jury were duly sympathetic.

"Would you say the accused was without skill?" he finally asked.

"No, sir." The policeman had no intention of being verbally trapped in that manner. "From the way in which he managed to control the car despite his peculiar methods of driving, I should say he was quite skilful," he added as a happy afterthought.

"At sixty miles an hour you had all the time in the world to study his driving?" Alan viewed the witness with dislike.

"Couldn't help it, sir! The other car was zig-zagging from side to side of the road."

"In your previous statement you said the accused only once

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crossed over on his wrong side of the road."

The witness realized that his enthusiasm had led him to give evidence which would have been better left unsaid. His mouth tightened. "When I said zig-zagging, sir, I meant on his half of the road."

"But you wanted the jury to understand you to mean the whole of the road?" Alan leaned back and stared at the ceiling.

"No, sir."

"No? Your words were, I think, 'from side to side of the road'. To my mind that sentence can bear only one interpretation."

"Luckily it's the jury's mind that matters," grumbled the Prosecuting Counsel.

Alan passed on to another subject, satisfied the jury now disbelieved the policeman's evidence. He spent another fifteen minutes in cross-examination, and for most of that time he asked the kind of question which could not be answered exactly and which therefore confirmed the jury in their belief that the witness was prevaricating.

The second policeman, the passenger in the car, had nothing to add to his companion's evidence.

The driver of the car that crashed was then called. She was a woman of militant appearance. She gave her evidence in a brisk tone of voice and it was clear that there was no doubt in her mind as to the guilt of the accused.

Alan rose to cross-examine. He stared at the witness for several seconds before he said anything. "It was a pity," he observed finally, "that the only car to crash was the one driven by a woman."

Her face flushed. "What do you mean by that?" she demanded angrily.

"I mean, Mrs. Yeovil, that a car only crashes when it is badly driven."

"Are you accusing me. . . ."

His quiet voice brought a halt to her belligerent words.

"I suppose you have passed a driving test?" he asked.

"I was driving before you were born."

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"I wouldn't have thought so," he replied gallantly.

She became very angry, but managed to remain silent.

Alan smiled. "If you started to drive rather a long time ago, would I be correct in believing you did not pass a test?"

"What if I didn't? Let me tell you, young man, that when I started. . . ."

"We really must keep to the subject, Mrs. Yeovil."

She was, by now, so annoyed that she became an easy target for his questions. She contradicted herself so much that Alan managed to infer she was an even more unreliable motorist than she was a witness.

"Did you consider using acceleration to avoid the crash?" was his last question. He sat down before she answered and showed not the slightest interest when she indignantly insisted nothing she could have done would have been effective.

Prosecuting Counsel did not re-examine since he was afraid she might still further harm the case with her evidence if he did so.

The last witness of importance was a man who had witnessed the accident. He claimed that it was the accused's violent and unnecessary swerve around the police car which had forced Mrs. Yeovil into the lamp-post.

Alan knew from the way the evidence had been given that it would not be easy to break the story. The witness, a middle-aged man by the name of Barrow, was too unimaginative to recount anything other than that which he had seen.

"You say the police car was well ahead of the accused's car when it edged towards the pavement?" Alan asked.

"That's right."

"Then you claim the accused accelerated fiercely and swung suddenly into the middle of the road?"

"That's right."

"How do you know he accelerated?"

"He overtook the police car, didn't he?"

"Did it occur to you that possibly the police car braked?" he asked sarcastically.

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"Not when I saw the brake lights of the police car didn't go on."

Alan asked a few more questions, most of which were formal and merely put the accused's story to the witness, then sat down.

The Prosecution called the three minor witnesses.

"That is the case for the Prosecution," said counsel.

Alan stood up. "Mr. Hoskins, please."

The prisoner walked to the box and the jury studied him. He looked so meek and insignificant that they began to question his guilt which had, for them, been established by the evidence of Barrow.

Hoskins gave his story in a bewildered voice, which clearly showed how surprised he was to find himself in court. He was the poor little man who had been trodden on by the might of the law.

Alan guided Hoskins through his story. "Were you driving at sixty miles an hour as the police allege?"

"No," replied the witness, eager that the truth be told. "I couldn't have done so—it was a thirty mile an hour limit." He spoke as if he would sooner have considered murder.

"That doesn't prevent a number of people," interrupted the Recorder, who felt that the witness was not so blameless as he sounded.

"Maybe it doesn't stop some people, sir . . . but have you ever speeded in a built-up area?" asked Hoskins politely.

"I'm not here to answer questions," retorted the Recorder weakly.

"What speed were you doing?" asked Alan.

"A little less than thirty, sir. I always like to be on the safe side." He smiled shyly at the jury. It was a masterly expression and it provoked the Prosecuting Counsel to several words of deep disgust.

"Can you say why the police should claim you were travelling at sixty when, in fact, you were only travelling at thirty?"

"Maybe, sir, they read the speedometer incorrectly," he suggested

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Alan nodded. The police driver, who had remained in court, looked to the heavens.

"I want to move on to the exact moment when you passed the police car after it had passed you. Why did you pass it?"

Hoskins blinked. "I had no option—this other car came past me at a very high speed and the instant it was ahead of me it braked violently and without warning . . . I'm afraid the off-side brake-light anyway must have been out of order and that was the only one within my vision."

The Prosecuting Counsel drew a scaffold which really looked like one. He was annoyed. The prisoner was lying with the simplicity and near-hesitancy that was always believed, and there was nothing he, the Prosecutor, could do, beyond sending a quick note to the policemen who had been in the car asking them if they could prove absolutely that both brake-lights had been in working order at the time of the accident. He felt certain the answer would be in the negative. He was correct.

"So what did you do?" asked Alan.

"The only possible thing which was to swerve out and around the police car, keeping as near to my side of the road as possible."

"And then?"

"It was very unfortunate, but the lady in the other car was . . . well . . . she was astride the white line in the middle of the road. It wasn't her fault," he hastened to add, "she couldn't have known the police car was about to act so precipitately."

And so his evidence continued. He excused the actions of others whenever it was possible to do so: when he had to blame, then he blamed without anger or heat and with a desire to see nothing but justice done.

Even Alan thought that at one point he had overdone the sympathy—one somehow began to feel it was the prosecuting witnesses who were on trial—but a quick glance at the jury showed him that they found the witness the very model of how the sinned-against man should act.

The Prosecuting Counsel cross-examined. "What kind of car

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is it you were driving on the day of the accident?"

"A grand-prix Maserati—de-tuned and fitted out for road-work, of course."

"A fast car?"

"Very fast."

"Will it travel at a hundred miles an hour?"

"Good gracious me," said Hoskins, and he tried not to smile.

"It's obvious you don't know much about cars."

"It doesn't matter how much *I* know or don't know," snapped counsel.

"A hundred!" he repeated happily. "A grand-prix car doing a hundred flat out!"

Prosecuting Counsel became belligerent. "I didn't ask you for comments—I only wanted an answer to my question: something you still haven't given me."

Hoskins shrank from such words of anger. He looked to the jury for sympathy and each one of the twelve accorded it to him. Had they been able to do so, they would have stopped the case then and there and sentenced the Prosecuting Counsel to six months to teach him not to bully defenceless people.

"Will it do a hundred?" asked counsel again, somewhat dispiritedly.

"It'll do a hundred and fifty if I fit the other axle ratio—the spare one I bought two months ago from. . . ."

"The court isn't interested in your axle ratios."

"But you asked me what speed the car would do."

"And you still haven't answered me properly—what's the matter, Mr. Hoskins, don't you want to admit to the Court that your car is extremely fast? So fast that it can easily become a very serious danger to the public? Don't you want to admit. . . ?"

Alan stood up. "If my learned friend wishes to give the accused's evidence for him, may I be permitted to cross-examine my learned friend at the conclusion?"

His words were unnecessary since the jury had reached their decision. They represented a bulwark against tyranny, and there

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was no finer way to retain that bulwark than to administer a sharp lesson to those who would destroy it. True they had to listen to more evidence before they could speak their words: they had to hear the accused become somewhat muddled in his story and proffer several inconsistencies in his evidence: they had to listen to closing speech of counsel for the defence, to the Recorder sum up and point to the fact that the evidence for the Prosecution was very strong and mainly corroborated while the evidence of the Accused was, in several places, in direct contrast to proven facts: they had to do all that before they were allowed to deliver their verdict "not guilty."

Hoskins spoke to Alan when they were both outside the court. "Thank you, that was wonderful," he said and he held out his hand.

Alan shook it. "I don't think I had much to do with our success," he answered laughingly.

"Nonsense, Mr. Pace. It was brilliant. I shall demand to have you next time."

"Er . . . Yes," he replied uncertainly.

"Are you returning to London?"

Alan looked at his watch. He would be able to reach the Temple in time for lunch. "Yes," he answered.

"Then I can give you a lift in my car," Hoskins said delightedly.

Alan was never quite certain to what extent his horrified refusal had hurt the other.

Alan arrived home.

"How did it go?" asked his wife, and because he was pre-occupied he failed to notice the worried expression in her eyes.

"I got him off against all the odds. If he'd been three inches taller and broader we'd have lost."

"Did you see anyone from the solicitors?"

Alan coughed. "Strange as it may seem Steven Curry himself turned up," he admitted reluctantly.

"What did he have to say?"

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He wondered if he could ignore what had happened, but there was an awful certainty in his mind that whatever he did she would eventually discover the truth. He squared his shoulders. "Things didn't go too well between us."

Belinda regarded him in a way that caused him acute embarrassment. "You're quite impossible. What happened this time?"

"It wasn't my fault." Alan twisted uneasily in his seat. Ever since he had left the courtroom he had had an uneasy feeling that another would have handled the situation very much better. He reluctantly told her the story.

"Alan Pace—I go to endless trouble to try and help you in your career and that's how you repay my efforts. Insult him in court, let the Judge insult him and do nothing to prevent it. Well—one thing's certain: that was the last piece of work you receive from him."

"I tell you. . . ."

"After all I'd done for you." She sounded very hurt.

"I'm sorry," he mumbled.

Somewhere deep inside herself she felt vaguely surprised . . . Alan had been right when he claimed that the way to handle a witness who was likely to be belligerently hostile was to attack first. After all—he had forgotten that someone must have inadvertently told the Currys that she had, alas, no titi

CHAPTER ELEVEN

THE papers in Stone and Nodoze Products Ltd. were like poor relations. They returned with regularity. Not, naturally, that Alan considered this a bad thing. Had the case been settled he would have been without a practice. He fervently hoped that Stone would not weaken; moreover, that in future years he would use haircream that refused to grow hair, toothpaste that did nothing to prevent decay, soap powder that did not wash whiter, and razor blades that did not last longer.

The Defence asked for more Particulars.

REQUEST FOR FURTHER AND BETTER PARTICULARS OF REPLY.
Under Paragraph 3.

Of "She is not the type of person as promised by the drawings in the advertisement" stating precisely what type of person it is claimed was promised.

Alan picked up a pencil and drew the figures one hundred and fifty on the clean sheet of paper in front of him. That was roughly what he thought the brief should be marked when it was finally delivered.

"Hullo." Ross entered the room, sat down on the edge of his desk. "You know I had a case before Magistrates yesterday afternoon?"

"I didn't."

"We were charged with delivering short weight of coal. It wasn't our fault since it was our delivery men who were playing with the sacks and taking a few lumps out of each. I went down

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with four text books and half a dozen cases and I argued in front of the Bench for well over an hour. During that time the man on the right of the Chairman, I heard he had made a fortune fiddling housing contracts, went to sleep twice: the woman on the left of the Chairman, who ran a brothel down in Southampton before she retired, remodelled her hat: and the Chairman, who used a hearing aid, switched it off. When it was time to deliver judgment, all the Chairman could say was that it was a very complicated matter and the Bench would have to think it over and deliver judgment later."

"What are you complaining about?" asked Alan. "At least they spoke English which is becoming more and more unusual."

Ross pulled out a packet of cigarettes from his pocket, opened it and threw one across to Alan, took one himself. "I'm moaning about the complete waste of time. There were two counsel and three solicitors at that hearing: there were the witnesses: and yet before we started it was perfectly obvious that no lay Bench on earth could hope to follow the arguments of law."

"Not if you presented them."

"There can seldom have been a more lucid exposition . . . All that time completely wasted. The Clerk was obviously lost within five minutes, so whatever judgment he tells the Bench to give is bound to be up the pole. There'll have to be an appeal to a Court with a few brains in it—so why the hell trail this case right through the Magistrates' Court in the first place?"

"Two briefs."

Ross flicked his ash on to the floor. "I've got too much work to do without wasting time like that."

Alan made a rude gesture. "You're just being blasé." He leaned back until the chair was resting on the wall. "And anyway, you musn't be rude about the Magistrates' Courts—the average Englishman dotes on them."

"Until the day he comes before one and discovers that a Bench of civilians concerned with their own pomp and ceremony and who lean on their Clerk for advice—possibly a local man with strings

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to pull—are quite incapable of doing justice as we know the word in the High Court.”

“‘Luckily only a small propo^rtion find that out . . . the hard way.”

“The man who said ‘always go before a jury if you can’ knew his facts—get run in for a driving offence and you’re ten times more likely to get off before a jury.”

“Stands to reason—the Magistrates’ Benches are composed of people who can’t afford to run a car—either because they’re too poor or too rich.”

“Long live liberty.”

Alan grinned. “Having altered our system of criminal procedure I’m going to do some work.”

“Now who’s boasting?”

Crain entered the room at that moment. “Less noise,” he demanded. “Can’t do my cross-word with such a row going on.”

The room settled down to work. Ross read through some papers that had arrived that morning, Crain tried to solve one down, and Alan composed Particulars.

FURTHER AND BETTER PARTICULARS OF REPLY.

The drawings in the advertisement clearly represent young ladies who have only just reached the threshold of maturity and are good-looking.

Alan pushed the papers to one side. “I’ve laboured too hard—who’s coming for coffee?”

Crain stood up. “No one has to ask me twice: if I sit too long in here I remember which year it was I last got any work.”

They left, and in the nearby multiple—type restaurant to which they went they each had a cup of coffee which should have been forbidden by law.

The Temple was a wonderful place in which to learn how the working hours could best be made to pass.

The Defence decided a Rejoinder was necessary.

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REJOINDER.

1. . At the time of the introduction Mrs. Walsh was a widow.
2. 'If, which is denied, the Defendants' advertisement made any promise, either express or implied, that a wife would be provided to those upon whom the Defendants' products had no effect it is denied that any particular form of person was designated, and the contract, which is denied, was completed when the introduction was made.

To this, in due course of time, there was a Surrejoinder.

SURREJOINDER.

1. It was an implied term of the contract that the wife to be provided should be of an age consistent with thoughts of marriage.

The Defence were hardly likely to allow that statement to remain on the records unchallenged.

REBUTTAL.

1. The Defendants deny that any age is inconsistent with thoughts of marriage.

So there it was. The Pleadings were completed. Over the months, by reason of hard work from all sides, the Parties had finally managed to gain a basis on which to argue. Not, of course, that the case was ready for hearing. Engraven on every lawyer's heart lies the motto: "More haste, less feed".

The solicitors for the Plaintiffs took out a Summons for Directions, which translated meant a gentlemanly hearing before a Master in which he decided whether further pleadings were necessary—he expressed surprise at the length to which they had already reached;—whether "Discovery of Documents," "Interrogatories" and a host of other things nobody really understood, should be administered to the other side; in which list the action was to be entered; whether the case should be held before Judge alone, or with a jury; and many other little problems . . . which, as had been said more than once, by various lawyers, could have more conveniently been decided in a series of hearings instead of all at once.

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The firm of Fitch, etc., began to tie up the loose ends of the case. They searched for extra witnesses and when they found them they explained what it would be politic to say. When these people had learned their evidence, a "proof" of it was taken and sent to counsel.

"It's ready to send along to Pace for his advice," said Hammond. He referred to the brief.

"Better send it then," retorted Polson.

"I've just been right through all the papers—we've missed some wonderful chances."

"I know that as well as you do," he snapped. Two weeks previously he had used a confidential item of information a client had been stupid enough to give him to further his own bank balance. He had since made the painful discovery that the client had not been quite so stupid as Mr. Polson.

"I suppose we have to send the brief to him?"

"For Heaven's sake, man, of course we do. You know that as well as I do."

"Are you going to brief silk?"

Polson nearly tore up the papers that lay on the desk in front of him. "Have you ever known us not to brief silk when the client had any money?"

"Not so far."

"Then tell me, why should we change now?"

"It's been such a funny case," said Hammond reflectively. "We've hardly been before the Master."

The brief arrived at Chambers for an Advice on Evidence.

It was one of the most difficult tasks of counsel. Alan had to imagine the case as it would be conducted in court, the evidence that would be called, and from that advise as to whether the brief as it stood was sufficient. He had to check that if any copies of letters or other documents were to be used, they were copies that would be allowed by the rules of Evidence—a part of the law so

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obscure that even those who wrote text-books tended to avoid the subject. He had to say upon whom the burden of proof lay to establish each of the facts that had been pleaded, and then, how that burden was to be met. He had to decide whether the witnesses the solicitors had provided would be in sufficient number.

Because it was his first Advice, it took him two days to complete, and at the end of that time he had an excuse to feel tired.

In the meantime, the case of Stone and Nodoze Products had been swallowed into the gargantuan stomach of the Law Courts. It had been set down for trial, but for months and months it would not reappear, but, like the music in the song, would go round and around, finally to be belched forth at some future date much to the astonishment of all concerned.

The long winter months were a trying time for counsel. In the summer there was so much one could do. Test matches were played at Lords, Wimbledon came regularly, and should there really be nothing else, one could sit on the Embankment and watch the river flow past. In the winter, there was nothing to do but sit in Chambers and stare bleakly at the desk in front of one.

Alan had studied the top of his desk until he knew every twist and turn in the grain of the wood. On one really desperate afternoon, when the rain outside was continuous, he even became convinced that his one and only case would be settled before the brief was delivered. Then, as if someone realized strong measures were necessary, McGibbon and Berry sent their quarterly brief.

It was the usual undefended divorce, but it was worth seven guineas. The brief arrived three weeks before the case was heard and it took a bare five minutes to study. There was not even a tricky point of law to provide some interest.

On the day of the hearing Alan crossed to the divorce "wing" of the Law Courts. The solicitors' Chief Clerk was not there yet and he studied the witnesses and Petitioners who had gathered. He became certain of the truth of the maxim that love was blind.

The Divorce Division of the High Court of Justice was where,

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if the truth were inadvertently given, it would not be recognized. Sometimes people would demand that divorce should be made easier. They were, by their request, merely displaying their complete ignorance of the facts. The laws that governed divorce were of no account, since the approximate sum of one hundred pounds would purchase a private detective who would swear to anything from adultery to non-consummation of marriage, a corroborating witness, and a solicitor.

"Morning." Jameson, the solicitors' clerk came up to Alan. He had a round face and looked quite pleasant, which deception demonstrated clearly how well he was suited to divorce practice.

"Good morning," Alan replied.

"Everything in order?"

He glanced quickly at the brief he held in his hand. "I think so . . . Seems perfectly straightforward."

"It is. The other woman admitted her adultery with the husband as soon as Turner asked her. Said she didn't care who knew the truth."

"Who has the originals of the Confessions?"

"I've got them here," Jameson opened the case he carried and searched among the papers inside. "I'll keep them and hand them in with the photographs and Acknowledgment of Service."

"Is the wife all right as a witness?"

"No worse than any other. Hullo, here's Turner."

Private detectives, real life, always looked to Alan as though they had only a moment before, climbed from a pit filled with the more objectionable class of refuse. They never walked, they minced: they never talked, they whispered: they never shook hands, they caressed.

"Good morning," murmured Turner softly. "Cold to-day, isn't it?"

"It'll keep all your clients behind their own doors," smirked Jameson.

"Not now cars have heaters. Mark my words, heaters have brought more people to this court than bicycles ever did."

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"That reminds me," said the Clerk, and he lowered his voice, "anything more in the Duval case?"

Turner looked pained. "Can't catch them—they are always so very careful."

Miss Tulip suddenly appeared and as soon as she saw the small group she came across to it.

"Good morning, Mr. Jameson," she said. She beamed at Alan. "Everything in order, Mr. Pace?"

"I think so, thanks."

"How's the world treating you, Miss Tulip?" asked Jameson.

"Can't complain—suffer from chilblains though, in this kind of weather."

"There's someone trying to attract your attention," said Alan, as he noticed a small unhappy-looking woman nervously gesturing at them.

Jameson swung round and inspected the person in question. "It's only the Petitioner." He turned back. "Best thing for chilblains, Miss Tulip, is whisky. A hot whisky and milk, morning and night."

She simpered slightly. "I never drink spirits," she said.

"You're missing something that was given us for our own good."

Turner had slithered his way across the hall to the list on the door of the court in which their case was to be heard and back again. "Three to go," he said.

"We'd better go in then," remarked Jameson. He made his way towards the court, remembered to have a quick word with the Petitioner before he entered.

"D'you want me, Mr. Pace?" asked Miss Tulip.

"No, thanks—nothing here you can do."

"Then I'll return to Chambers: Mr. Primrose asked me to get back as soon as I could since he has to take some books to the Old Bailey for Mr. Hunt. The case there has carried on two days longer than it was supposed to—poor Mr. Hunt should have been down at Canterbury to-day." She sighed. "It was a much bigger brief."

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Alan watched her leave and then entered the courtroom.

A Divorce Court has an air all its own. It is a mixture of boredom, heartbreak, callousness, lasciviousness, hopelessness, degradation and complete and absolute moral turpitude. Man can lose hope there quicker than anywhere else in the world.

The Judge, a County Court Judge sitting as a Divorce Commissioner, granted a decree to a man on the ground of adultery. He waited as the Associate called the name of the next case and placed a new bundle of papers in front of him, then peered over the tops of his spectacles. "Yes," he muttered.

Counsel addressed him. "My Lord, this is a wife's petition based on the grounds of desertion."

The Judge eased his spectacles which were inclined to press on the bridge of his nose, then wrote quickly in the book before him. Everybody had to take notes in court—it was a custom that had come into being before shorthand had been invented, and one which no one had yet thought to change.

A woman went into the witness box and said she had not seen her husband for four years. On strong advice she forgot to mention that he had left her because he came home from work one afternoon, unexpectedly, and rightly took exception to the haste with which some unknown male had vanished through the back door. The wife completed her evidence and her place was taken by her best friend, who belligerently declared she had lived with the wife during the past three years but had never seen the husband. She spoke as if she expected someone would doubt her word. She should have realized that the trouble such action would cause, would have been far too unwelcome.

The divorce was granted. Eight minutes later so was another.

"Keen against Keen".

Alan rose to his feet. "My Lord, this is the wife's petition and is based on the grounds of adultery. Mrs. Keen."

The wife nervously made her way to the witness box and took the oath.

"Is your name Mrs. Clarissa Keen, do you live at fifty-five

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Secombe Road, Wormbridge, and on the twenty-first of October nineteen hundred and forty-eight were you married to Charles Wickham Keen at the Parish Church of Morgan?" asked Alan in the very best of traditions, the Court of Appeal notwithstanding.

She nodded her head.

"Speak up," ordered the Judge. "It's vital that we hear your answers, Madam. How am I to grant you a divorce if I cannot be certain you are married?"

She looked as though tears would flow at any moment: a course of action to be advocated whenever the divorce was defended, but not otherwise, since it merely wasted time.

Alan continued with the questions. "Is it right you have no children and were the first few years of your marriage happy?"

"Yes, sir," she whispered.

"Then did your husband leave you for another woman?"

"Come, come, Mr. Pace," said the Judge sternly, "we really mustn't have all these leading questions."

"I'm sorry, my Lord. I'll put the question to the Petitioner in a different form. Mrs. Keen, did your husband leave you?"

"Yes, sir."

"Did he leave you because he wanted to live with someone else?"

"Yes, sir."

"Who was that someone else?"

"A woman, sir."

"Do you know her name?"

She grew pale and looked desperately round the courtroom and it was plain she had forgotten the answer to the question.

The Judge glared at her. "Well, Madam, what was the name of the lady? Do you know it?"

She licked her lips and took a step backwards, as though about to run away from the witness box.

The Judge had reached the limit of his patience. "Was it Miss Elsa Petford?" he snapped.

"Yes, sir."

"Then why didn't you say so? Why is it people come into the

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witness box and seem unable to answer the simplest question? Carry on, Mr. Pace."

"How did you know he intended to live with this woman?"

"He said so."

"What were his exact words?"

"He told me: 'I'm not going to stay with a bitch like you any longer' and then he left."

"Have you seen him since?"

"No, sir."

Alan addressed the Usher. "May the witness see the photographs, the confessions and the Acknowledgment of Service, please."

She identified the signatures of her husband on the various documents.

"Thank you, Mrs. Keen. Mr. Turner, please."

The private-detective wriggled his way to the box, took the oath in a voice that sounded as though his mouth were filled with treacle, gave his evidence before Alan had asked a single question. "My name is Oswald Turner and I live at 44 Windsor Road, Pembleton, I am a private detective, on instructions I went to number one Seamore Avenue and knocked at the front door. A lady answered and I asked her if Mr. Keen lived there, she said he did but he was away at work and would not be back until five that evening so I agreed to return at that time." Turner took a deep breath. "When I returned I saw Mr. Keen, whom I identify by this photograph, and I asked him, are you married to Mrs. Clarissa Keen, and he said he was, and I said would you sign a statement, and he said he would." He paused once more. "After they had both made statements, which are these now produced to me and which I wrote down at their dictation and which they signed, I asked to see their bedroom accommodation and I was shown upstairs, there was only one double bed and both male and female night attire were spread upon it, and it was 'unmade.'" He stopped.

"Did you allow both Mr. Keen and the lady time to read through the statements before they signed them?" Alan asked.

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"I did, sir, and I warned them before they made them that they did not have to say anything, but if they did it might be used in these proceedings."

"Thank you, Mr. Turner."

The private detective left the witness box with a last smirk.

"On that evidence, my Lord," said Alan, "I would ask for a decree nisi and costs."

"Yes, Mr. Pace."

The divorce had taken six and a half minutes which was a good average. A case could be conducted in less, but it was considered bad form to try for under five.

"That's that," said Jameson, once they were outside the courtroom. "Ask the clerk to send the fee-note in, won't you?"

"That's one of the things I never forget," replied Alan.

"Want some more work?"

He asked the same question, with the same knowing little smile, at the conclusion of every case. Each time he asked it, Alan wanted to say what he thought, but so far he had remained silent on the subject. "That's what I call a rhetorical question," he replied at length.

"I'd have thought you were too busy these days to handle the small stuff like undefended divorces?"

Alan wondered if his self-respect were not really worth more than twenty-eight guineas a year—but reason told him that such feelings belonged to the rich. "You sent me my very first brief so I make a point of doing whatever you send me as a thank-you."

Jameson laughed shortly and sarcastically. His favourite remark was that no barrister had been rude to a solicitor since the days income-tax had wiped out the parasitical rich.

Mrs. Keen stood a little apart from them and at last she plucked up the courage to speak. "Mr. Jameson," she said.

The Clerk turned, "Shan't be a minute," he replied gruffly. He held out a hand. "Good-bye, Mr. Pace." He grinned at some secret joke.

Alan watched him leave with the woman and he found time to

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hope that the solicitor had an argument with a heavy lorry on his way back to his office. Then he sighed, realized it was unlikely, and slowly made his way through the passages until he came to the robing room.

The attendant greeted him cheerfully. "You look as though you've just lost a case, sir."

"I didn't have the courage to lose a client," he answered bitterly. The attendant scratched his head.

That evening, Alan and Belinda tried to balance their budget. After an hour and a half, she sighed heavily.

"According to this" she said, "we're living well within our income—yet I'm sure I've checked carefully how much we had to spend."

He laughed shortly. "If the Chancellor of the Exchequer heard you, he'd have a fit." He studied the figures again.

"Here's what you missed out," he decided. "The money we put aside for income tax." He wrote some figures down, subtracted them. "That makes us exactly all square with incomings and outgoings."

"Good," she said cheerfully. "I was beginning to get worried."

He stood up. "It's no good, Belinda."

"Alan—I've told you before, we're doing very well."

He kicked a chair out of the way, thrust his hands deep in his pockets. "Doing very well! Living in this cottage because we can't afford anything better."

"It's a very nice cottage."

"D'you want to stay here for the rest of your life?"

Her eyes were sad.

"Surrounded by neighbours like the Currys," he continued.

"Darling, we've only got one set of neighbours like them and they're—the Currys. The rest are fairly normal."

"Having to watch every penny we spend—and why, when between us we've a private income that most young couples would consider relative wealth? Simply and solely, because your husband

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is pig-headed enough to believe he'll get somewhere at the Bar. Because year after year he forks out two hundred guineas in rent for Chambers for practically no return. If I had a job, Belinda, earning a normal salary, we could live in the kind of house we want and lead the kind of life we'd like."

"And you wouldn't be at the Bar."

"It's just one more case where economics and inclination don't mix."

"You never know, something may break."

"Ian left today."

She moved away from the table and slipped her arms around his neck. "Not Ian Crain?"

"He finally came to the end of his capital, so he had to pack his bags. Not very amusing, is it? Just about eight years of work wasted simply because he didn't have the right contacts."

"I liked Ian," she said softly.

"So did I. And when I think of what's happened to him I want to. . . ."

"Have a drink, darling?" she said wisely.

"That's not what I was going to say."

"I know. But my mother still thinks I'm a lady and no lady should listen to what you were about to say."

CHAPTER TWELVE

CHAMBERS were without work. Not a single set of papers had arrived for days. It was a hiatus that attacked most Chambers at one time or another, and when there were several members who were "dead wood," then it occurred frequently. Even the fact that winter had passed, spring was almost over, and it was barely possible there might be a summer, all this did nothing to lighten the humour of the tenants who awaited work with a hunger matched only by doctors before the National Health Service.

The persons concerned reacted in different ways. Oliver Hunt discussed the various means by which it was possible to commit suicide. Paul Simmonds hardly realized what had happened: Anthony Smith smiled sardonically and tried to treat it as a joke: William Ross was astonished that his talents should be ignored: Alan thought of street cleaning, or alternatively, coal mining: Timothy Spender—the newcomer—confirmed his unpopularity when he claimed it was the first time it had ever happened to him: Mark Hendon was fatalistic: Thomas Fenley found the whole subject distressingly boring: and James Morgan continued to have a darned good time because he was Australian.

Mr. Primrose hovered about the telephone with the hushed but expectant air of an undertaker at a sick-bed: Miss Tulip made more and more cups of tea for everybody, which became stronger and stronger in texture.

On the sixth morning of the slump, the telephone rang at eleven-fifteen and Mr. Primrose lifted the receiver with a little prayer.

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"Fitch, Fitch, Fitch and Cromby . . . Polson speaking."

Mr. Primrose thought of Stone and Nodoze Products Limited and the deadly certainty crept up within him that it had been settled.

"Mr. Pace's Clerk speaking."

"I want a Conference in Stone."

"Very good, Mr. Polson. What day had you in mind?"

"You'd better check with Mr. Kenneth Dashley's Clerk."

Mr. Primrose felt warm streamers of joy spread through his nervous system. "Is Mr. Dashley to be briefed as silk in the case?" he asked happily.

"Yes. Get in touch with him and find out on what day he wants the Conference." Polson rang off.

"Miss Tulip," said Mr. Primrose, "they've briefed silk in Stone and Nodoze."

She gave an exclamation of joy. "No! Who?" She had managed to hear who it was but she would not deliberately spoil another's pleasure.

"Mr. Kenneth Dashley."

"You must tell Mr. Pace immediately. . . . I shall make some tea." She was so excited she knocked a pencil on to the floor.

Mr. Primrose went along to Alan's room, opened the door and entered.

Spender was telling the other two how successful he would be : a few years' time. He was an authoritative young man whose knowledge was apparently extensive.

"Mr. Pace," said the Clerk. "Mr. Pace, Mr. Polson of Fitch, Fitch, Fitch and Cromby has been on the telephone."

It was so long since Alan had heard their name he had begun to wonder if they ever existed. "What did he want?"

"They've briefed Mr. Kenneth Dashley."

Alan at first found difficulty in understanding what had been said. "In Stone and Nodoze?" he asked, after a long pause.

"Yes, sir."

"The Silk?"

"Yes, Mr. Pace."

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"Well I'll be. . . ." When he had finally grasped the facts, he used a popular expression, the execution of which was good for two years.

The extent of his delight was not hard to understand. He had practically given up the brief as lost, but even in his more optimistic moments when he had thought it might come to fruition in open court, he had imagined himself as sole counsel—which would mean a brief marking at somewhere about twenty guineas. But when silk was brought in an ancient and greatly beloved rule stated that a Junior had also to be briefed and his fee must be two-thirds that of the silk's.

Mr. Kenneth Dashley was unlikely to appear at under a hundred and fifty. Two-thirds of that was . . . Alan's mind was slightly stunned at the enormous sum.

"And there's to be a Consultation, sir, with Mr. Dashley."

The silk was unlikely to hold a Consultation under forty guineas. Alan felt as though he had been presented with a private mint. "When?" he asked.

"I've to ring his Clerk and ask, but I thought you'd like to know first, Mr. Pace." Mr. Primrose left the room, happy, a different man to the one he had been but a few minutes before.

"It's about time you had a slice of luck like this," said Ross.

"Who'd have thought they'd bring silk into it?"

"I remember once," said Spender, "when I was briefed with silk and he made a shocking mistake which I only. . . ." No one was listening to him.

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Kenneth Dashley had a set routine for Conferences, and since he was fashionable and much sought after that routine took place.

Junior Counsel was asked to arrive half an hour before anyone else and the two of them would discuss the case. Then the solicitor and the client were interviewed and the client was taken through his story. The client left, and Dashley and the solicitor had a short discussion, the solicitor left and the two counsel, if necessary, further discussed the whole matter.

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Alan entered the Chambers and went into the Clerks' room.

"Mr. Pace?" asked the young lady at the typewriter.

"Yes."

"Will you come this way, please, sir." She showed him into a large room that was very comfortably furnished and had a magnificent view of the gardens and the Embankment beyond.

One man sat at the desk and another fussily tidied a mass of papers and books.

"Ah, Pace." The seated man rose and smiled. "Glad you got here in plenty of time, several little points to run over." He half-turned and spoke to his Clerk. "All right, Bellows."

The Clerk left and Dashley pointed to a chair. "Sit there, old man. . . . Have a cigarette?"

"Thanks." Alan accepted one.

"Funny case this, isn't it?" He stood with his back to the empty fireplace and stared at the distant traffic.

"I tried to dissuade them from bringing it in the first place." Alan was determined there should be no doubts as to that.

Dashley's manner became warmer and he nodded his head. "I thought you must have tried."

"Polson—the solicitor who's personally handling the case—tried to tell me I was a fool for worrying and intimated that the Plaintiff would bring the case come hell or high water."

"They're a bit of a tricky firm, are they?"

"If you asked them to draw up a will you'd find when you were dead you'd made them sole executors."

Dashley nodded his head again. It was an emphatic gesture he frequently used.

"Had another brush with them over a Request for Particulars," continued Alan. "I said we should give them, they wanted to refuse and go before a Master. I stood my ground and they tried to give the brief to another counsel—but he passed it back to me."

"Quite a chequered history." Dashley took a copy of the Pleadings from his desk and flicked the pages over. "And how do you rate our chances of success?"

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"I've been through all the law on the matter I can find and I reckon that although it doesn't directly hinder, it would be an exaggeration to say it really helps."

"To my way of thinking, we're faced immediately with a basic question—was there a contract? Or was this rather ridiculous offer of a wife mere puff as the Defendants say in Defence? Look at it with an unbiased eye and it seems to me puff."

"What is a puff and what is a promise?" asked Alan. "Because the results may be ridiculous—whatever else one cares to call them—that's no reason for saying it must be a puff. A man can make a ridiculous contract if he wants, but when he's sued on it, he can't claim that the ridiculousness automatically invalidates it."

"Of course not. But get back to this point, Pace: never mind the terms for the moment, *was* there ever an actual contract? The leading case here is *Carlill*, and in it a lot of weight was given to the fact that a sum of money was deposited in a bank as a gesture of the firm's sincerity when they guaranteed immunity from chicken-pox, or influenza, or whatever in the devil it was their wretched puff balls were supposed to keep away. In our case, what can we point to and say. . . ."

They discussed the case at length. They had not finished when the others arrived.

Polson led the way in, then as soon as he was inside the door he obsequiously invited Stone to precede him.

It was the first time Alan had seen the Plaintiff.

They sat down and the three lawyers arranged their briefs.

"When's the hearing?" asked Dashley.

"Possibly within the fortnight," replied Polson.

"Let my Clerk know as soon as you're certain."

"Of course, sir."

"Any point you want to raise before I start?"

"Yes, there is." Polson looked quickly at Alan. "With regard to these Pleadings: at the time I asked your Junior to. . . ."

"I've looked through them—nothing wrong that I can see," cut in Dashley, who had been a meticulous Pleader when he was a

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Junior, and who privately thought the Pleadings in Stone and Nodoe a perfect example of what not to do.

"I just wanted. . . ." Polson flushed.

"There's no need for us to worry about that end of the proceedings, so if you've nothing more, I'd like to move straight to the evidence. First of all, Mr. Stone. I have your proof here. . . ." he found it after a quick search, "and there are several points I want to check with you."

"Yes." Stone spoke for the first time.

"Have you a copy of it? . . . Polson, give him yours." He waited as Stone was handed the typed statement he had made to the solicitors. "Have a look at page two, will you. Second line from the top. 'I read the advertisement and decided to take a course of Nodoe tonic.' What precisely decided you to do that? Was it the words, or the pictures? Why did you decide on Nodoe tonic, and not one of these others you're always reading about—the kind that'll make you boss of the firm within a month?"

Stone looked up. "It just fitted my case, Mr. Dashley. You see, I've always slept too much. When I was young, my greatest treat was to be allowed to go to bed an hour before my usual time. On my birthdays, it used to be two hours," he recalled wistfully. "But the more I slept, the more tired I was the next day, and it would be as much as I could do to keep my eyes open."

Dashley made notes in the margins of the proof.

"When I was twenty I decided to start a shipping line and during the years I managed to make a fortune." Here Polson shivered. "Then about eighteen months ago I practically retired from work and for the first time I realized I had a large home and no one to look after it. I decided I must marry. So I. . . ." He related his personal history.

Two hours later, only Dashley and Alan were left.

"He may have made a fortune, but it doesn't seem to have done him much good." Dashley stretched his hands above his head. "As I've always said, money isn't everything."

"That remark was first made by a millionaire."

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"Don't be so cynical, young man." Ever since he had taken silk, he was ready to pontify. "When I was your age, money was the last thing I thought about."

"I'm the same—only it's the first as well."

"Well . . . every man to his trade." Dashley looked at his watch. "Come and have lunch with me in Hall?"

"I'd like to."

"Are you a member of the Inner?"

"No—Lincoln's."

"Don't despair: we can't all belong to the better-class Inns," he joked with the same joke that was popular when Elizabeth the First was on the throne.

They walked the short distance to Inner Temple and entered Hall. It was filled with barristers eating and, at the top table, Judges who looked like other humans when they were divested of their robes. Dashley found two empty seats.

"You sit over there." His attention was suddenly diverted as a man slapped him lightly on the back. He turned. "Neame! Where have you been hiding?"

"The Privy Council," replied the other. "Trying very hard to make their Lordships see reason."

"And did they?"

"Have you ever known that to happen? They even found against me after I'd flattered them with a six-hour's closing speech."

"There's your answer, old boy. There isn't a Judge alive that can stand more than a couple of hours."

"Twenty years ago a speech of such short duration would have been considered indecent. . . . Well, be seeing you." Neame continued on his way.

"That man has one of the finest practices in the Temple," said Dashley. "I don't think he's been anywhere lower than the Court of Appeal in years. They've asked him to go on the Bench but as he rightly said, until he's finished educating his sons, he can't afford to do so."

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"I heard yesterday that the vacant position on the Bench might go to Andrews."

"God help British Justice if it does! He's the man who started his career by making a plea of guilty on behalf of the prisoner in the dock, and then discovered it was the wrong prisoner. Took them ages to sort that one out."

The manservant stood discreetly behind them, and Dashley picked up the menu. "Don't take the lamb, old boy, they can't make mint sauce here and never could. . . . I'll have potted shrimps, then the veal and ham pie with new potatoes and lettuce salad."

During the meal they discussed the case. Afterwards they returned to their respective Chambers, but not before a last and final prognostication from Dashley that it would be a mighty hard case to win.

The Law Courts reluctantly recognized the case of Stone and Nodose Products Ltd. and it appeared on the lists. Despite the common ailments to which all embryo are subject, it had survived. Even at such a late moment, however, there was still one anxious period during which it had to be nursed.

Mr. Wallace, of Wallace and Drummond, telephoned Mr. Polson.

They exchanged good mornings, then by way of the most circuitous route that could be found, they reached the new problem.

"Our Advertising Manager's fallen ill and there's not a hope he'll be on his feet again for at least a week so I'm afraid the trial will have to be postponed," said Wallace.

"Surely you don't say his illness is going to affect the whole presentation of your case?"

"I most certainly do."

Polson picked up a pencil with his left hand and drew a circle on the blotting paper that lay in front of him. "It's very late to upset things, isn't it? I've arranged for my witnesses to attend

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on the original day, and counsel. . . ." He became silent.

"I gather you'll oppose the application?"

"I'm afraid I must."

"Very well. I'll have to tell counsel that."

The hearing was before Mr. Justice Thompson, who made no secret of his dislike for such work. He loathed the rush that always accompanied applications for adjournments, fixed dates for trials, and the hundred and one other things that had been thought up over the centuries. He refused every request it was possible to refuse and some it was not.

Applications were supposed to be made in order of seniority of the counsel requesting them, but quite sensibly in practice it was a case of first rise first heard.

Mr. Polson accompanied Alan into the courtroom and the two of them wedged themselves into the throng and waited until either they could reach the benches, or Heldon should have success and address the Bench—in which case those counsel actually seated could no longer prevent Alan from forcing his way amongst them.

Mr. Justice Thompson dealt swiftly with those who would disturb that which had been arranged, or tried to gain privileges to which he did not consider they were entitled. He summarily dismissed four counsel who all, in turn, asked for their case to be postponed, then he had a passage-of-words with a silk in which he came off a very fine best. His good humour grew. A counsel who should have known better tried to use the wrong procedure, another arrived thirty seconds late for the hearing of his opponent's application. The Judge beamed.

"My Lord," said Heldon, successful on his third attempt to beat the rest of the field to their feet, "may I mention the case of Stone against Nodoze Products Limited?"

"Are you going to, or aren't you?" enquired the Judge.

Heldon had been about to deliver the first words of his address and the peculiar question completely muddled his thoughts.

"Going to what, my Lord?" he asked, after a pause.

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"Mention this case of yours, Mr. Heldon. The case you've taken the trouble to bring here and plague me with. Are you going to mention it? Yes or no?"

"Yes, my Lord."

"Then why ask me if you may? How many more times do I have to say that my duty is to listen to any and all the nonsense that's talked? This is not a trial, Mr. Heldon. This is not an application before a Master, Mr. Heldon."

"With great respect, my Lord, I couldn't agree with you more."

The Judge had a strong sense of humour. "You say that with great feeling?"

Heldon had no intention of pursuing the matter further, certain that the Judge would reap whatever honours there were to be gained from a duel of wits. "My Lord, this application is. . ."

"I know what it is. What I want to discover is—why?"

"My Lord, one of my most important witnesses has suddenly been taken ill and there can be no possibility that he will be well enough to give evidence by the day the trial is due to begin."

"What's the matter with him?"

"A nervous breakdown, my Lord."

"Stuff and nonsense. There's no such thing, Mr. Heldon."

"I have the doctor's report here, my Lord."

The Judge swept aside such useless evidence with a gesture of his right hand. "When I was young this modern craze for nervous breakdowns had not been invented. Maybe, Mr. Heldon, it was because we did not have the time for such luxuries. We had to work in a manner that isn't even remembered to-day."

"Yes, my Lord."

"So one witness claims he has something that's called a nervous breakdown! Why should that matter?"

"His evidence is vital to my case, my Lord."

"All counsel think all evidence is vital to their case. In practically every instance, they would be very much better off without it."

"I can assure you, my Lord, that in. . ."

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"I know, I know. I used to make this kind of application before you began to practise, Mr. Heldon, and at any time it was not convenient to myself or my solicitors to proceed with the case on the day laid down, I used to come here and say that so-and-so's evidence was vital and he had unfortunately suddenly had to go abroad. . . . Let me hear what your learned opponent has to say."

Alan hitched up his gown about his shoulders. "My Lord, I'm instructed to say that in view of the fact that all my witnesses have long been informed of the date on which the trial is to be held and because they have made all their arrangements with a view to that date, and since both my learned leader. . . ."

"Poppyclock, Mr. Pace! All that's sheer humbug! I hear it at every application. I'll accept it as said, so now give me one bona-fide reason why I should not grant this application."

Alan found it very difficult to accede to the request.

"What's the matter, Mr. Pace? Can it be that there is nothing beyond the platitudes?"

Alan turned and spoke to Polson. "Got any ideas?" he asked hastily.

"Certainly not," retorted the other. "It's your brief, not mine."

Alan faced the Judge again. "My Lord, apart from the fact that the platitudinous witnesses will have to re-arrange their business plans, my humbugging solicitors will have to change their schedule, and my poppycocking self will have no option in the matter, I cannot think of the slightest disarrangement that this application will cause."

The Judge was delighted. "Thank you, Mr. Pace," he said. "The thought of poppycocking counsel is one not lightly to be forgotten . . . The application is granted. Case to stand out until the sixteenth of this month, and to keep its place in the list."

Heldon and Alan bowed to the judge, collected their briefs, and left the court.

"How long do you reckon the case'll last?" asked Alan.

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The other shrugged his shoulders. "Almost impossible to say. My guess would be two days but then I've no idea how many witnesses you're calling."

"I've forgotten for the moment," said Alan.

"We're only calling five."

"We're calling six."

"Speeches, eleven witnesses, summing-up . . . two days ought to see it through. Why all the curiosity—something else on the books?"

Alan laughed. "As the Judge would say, poppycock."

Alan awoke on the sixteenth and it was barely light. For the moment he could not understand why he should have done so before the alarm shattered his dreams, then he remembered. Stone against Nodoze Products Limited.

He felt very much as he had done on the morning of his first case—on a subject he had never studied—apprehensive and all too conscious of the many things that could go wrong.

"You're awake early, darling," said Belinda.

He turned and looked at her. "So are you."

"I came to when you pushed a large and bony fist into my side."

He grinned. "I must have been addressing the Judge on a tricky point of law."

"Excited?"

"And nervous . . . Heldon reckons it may go on for two days. That means a refresher."

"I said you'd make a fortune at the Bar."

"This kind of thing only happens once in a blue moon."

"I'm-going to wish for more blue moons," she replied.

"Must be about time to get up," he said.

"It probably will be—in an hour and a half's time."

"I don't want to miss that train."

"If you catch one now you'll only have milk for fellow passengers."

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"You can laugh!"

"I certainly can't," she replied feelingly. "My new fur coat and dresses depend entirely on what happens to-day."

"Darling, I'm being led. The only time I'm likely to be on my feet is over something completely unimportant. No matter how well I do that, it won't bring in any more work."

"I'm sure you're going to make your mark."

"I wish I were as confident. I'm going back to sleep. You did set the alarm, didn't you?"

"No—you did."

He was silent for a few minutes, then: "I can't remember whether I released the catch or not."

She had almost been asleep. She became wide awake and made a rapid decision. "I'm getting up and so are you—if we don't, you'll soon be convincing me we've moved fifteen miles away from the nearest railway station."

Breakfast was a silent meal as Alan stared into space and thought. When he had finished, he smoked a cigarette, then another. He felt as though he were about to give birth to a child. From the time the papers of Stone and Nodoze had first come to Chambers until that morning had been the gestation period. To-day was the delivery. He hoped it was not a two-headed baby he had helped to conceive.

CHAPTER THIRTEEN

MR. PRIMROSE escorted Alan across to the Law Courts with joyful feelings. It was an auspicious occasion. It was the other's first appearance in the High Court and on top of that the shillings in the guineas would help to swell his own income—which was at a point where many a barrister in the Temple would have gladly exchanged it for his own.

Alan robed and made his way to the courtroom in which the case was to be heard. Several small groups of people were outside, waiting for the doors to open.

“Good morning.” Alan saw Dashley and spoke to him.

“Morning, old man. Look—I'm in a hell of a fix; have to be in another court later on to-day, so be ready to take over from me.”

“When do you reckon you'll have to leave?”

Dashley looked round, lowered his voice. “It's this way, old man. My Clerk thought these two cases wouldn't clash and said I'd do them both: if it has to be one or the other, then I do the other since the solicitors there brief me frequently, unlike these crooks. But I've said nothing yet and I'll be most surprised when my Clerk comes running in to fetch me. I'll have to put on a bit of an act or the client might wonder why he pays me a fee!” He grinned, sincerely amused.

Alan had not yet discovered precisely when he would be left in charge. “Have you any idea when your other case is likely to be called?”

Dashley lowered his voice still further. “As soon as the court

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sits, but I'm for the Defendants so I can skip the opening speech of Shiner's, it'll only be the usual nonsense. But I'll have to rush round the moment he calls the first witness."

"Kenneth!" John Chapman interrupted them. He was a gross figure of a man: small head and beady eyes, set on top of a body that seemed to swell and swell until it stopped abruptly and allowed two thin and shapely legs to reach to the floor. This gave him the appearance of a fool—it was his greatest asset.

"Hullo, old man. How's the family?"

"Fine thanks . . . Kenneth, I'm in trouble. My stupid Clerk's made a mistake and I'm supposed to be in two places at once."

"That's funny—so's mine."

"How long are you staying here?" he asked, much relieved.

"Two hours, one hour—depends on the other case." Dashley shrugged his shoulders.

"That makes me feel a lot happier. We'll both be leaving about the same time—always looks so much better."

There was much truth in what he said. If one side briefed silk, the other did the same in self-defence and as a means of levelling the score. Then, if one only of the two should be present in court, the benefits of silk immediately became one-sided, a state of affairs that was righted if the other silk sportingly disappeared.

Chapman offered cigarettes.

"Have you met Alan Pace?" asked Dashley.

"No." He half nodded. "Enjoyed your Pleadings though. Kenneth—what are the chances of settling?" he asked abruptly.

"Settling? I hadn't thought about it."

"Look here," his voice became confidential, "everyone has shown willing and the briefs have been delivered." A settlement before the brief for the trial was delivered meant that one set of fees had been lost. Once the brief had been delivered, the fees had to be paid to counsel even if there was no trial because of a settlement. "What's more, not even you can say you're on a very bright wicket!"

Dashley chuckled. "You still think it's worth trying a bluff.

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Maybe my wicket isn't very bright, but you're on a sticky one."

"My dear chap—the only thing remotely in your favour is the originality of the action."

"From the sound of it, you really are worried this time."

They reached a silent understanding, and without further words they moved until no one else was within ear-shot.

"Tell me, old boy, how much are you offering?" asked Dashley.

"Purely nominal, and we publicly disclaim all liability."

"What's nominal mean?"

"Fifty pounds."

Dashley laughed.

Chapman sat down on one of the seats in the mock bay-window. He sighed with relief as he eased the burden on his feet. "I'll stretch to a hundred, and not a penny more. My only interest is to try and save the costs for both of us."

"Hundred won't do, John, and you know it. The Plaintiff doesn't give a damn about costs."

"Don't be so ridiculous."

"The money end of matters means nothing to him."

Chapman considered the phenomenon. "Think he goes to law very often?" he asked.

Dashley refused to comment. "We'll take five thousand and costs," he remarked.

This time, Chapman laughed, deep belly-laugh that rumbled forth from the huge cavern that was his body. "My God! man, you haven't changed an inch. Remember the time you refused to take less than ten thousand and you were awarded a farthing? . . . Five thousand for this . . ." He laughed again. "We'll have to go in soon. Let's be serious."

"Three thousand and costs as they lie."

"Three hundred and we'll pay your costs."

"If I say two five that's the absolute limit"

"We're talking about two different cases."

"Five shillings we get within a thousand of my figure."

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"I'm with you," said Chapman. "Ignoring costs?"

"Yes."

"You're five bob the poorer . . . They're going in."

The doors had been opened by an usher and people slowly made their way into court.

Counsel sat down. Dashley to the right, Chapman to the left, their solicitors below them, their Juniors behind them, and their witnesses, and friends and relations who accompanied the witnesses, in the seats at the back of the court.

The Associate, immediately below the Judge's desk, looked through some papers with complete lack of interest. The shorthand writer sat down and opened his notebook, sharpened a pencil.

At precisely ten-thirty the call for silence brought everyone to his feet, and Mr. Justice Tenby swept into court, bowed shortly to counsel and sat down.

Mr. Justice Tenby was everything that a Judge should be. He had a long, lean, sardonic face and he spoke with sarcasm. He took no notice of anybody or anything, least of all the strictures of the Court of Appeal or Divisional Court. He ruled his court with a rod of iron. He would pronounce a judgment in Tort, or sentence a man to hang with equal ease and fluency. If he did not like a person he made no secret of that fact.

After a murder trial that had lasted over a week, he asked what the name of the prisoner was that he might sentence him to the gallows. If he thought the State was interfering with the liberty of a subject, he would tell the State, and the Ministers, to cease in terms which were always described as vigorous. He feared no one. He loathed delegated legislation and tribunals that were not subject to judicial correction: he liked good port after dinner. He thought politicians were a pack of idiots, and those who had abolished flogging, moronic criminals. He typified the absolute impartiality and incorruptibility of Her Majesty's judges. Had any snivelling Cabinet Minister tried to influence a decision of his by an offer of higher judicial position or named a fortune it

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would not have occurred to him that he might accept the offer: he would merely have sent the man to the unattractive place where he thought all Cabinet Ministers ought to be.

Such was Mr. Justice Tenby as he viewed the people before him with distaste.

"Stone against Nodoze Products Limited," announced the Associate.

Dashley rose to his feet, hitched up his gown, adjusted his wig, opened his notebook. "My Lord. . . ."

"Just one moment." The Judge examined the public benches. "Has any effort been made to settle the case and so give this court a chance to hear an action of greater importance than the present one would appear to possess?" he asked. He lowered his gaze.

"I could not agree that it is unimportant, my Lord," protested Dashley.

"You do not surprise me."

"I might term the case unusual, my Lord. And as I hope to convince you later, this action is based on very sound grounds. The Plaintiff entered into a contract. . . ."

"Has any effort whatsoever been made to settle?"

"Yes, my Lord, but without success."

The Judge's lips tightened. "Then I can only say that I am astonished it did not succeed. Proceed, Mr. Dashley." He sighed, studied the ceiling as if he sought an answer to the follies of the mere mortals before him.

"My Lord, in this case I and my learned friend Mr. Pace, represent the Plaintiff, and my learned friends Mr. Chapman and Mr. Heldon represent the Defendants. My Lord, this action is one that has been brought because of, and is based on, a contract. It might be termed an unusual form of contract, however I intend to say little about it at this moment and to deal more fully with it later. My Lord, the case of Carlill and the Carbolic Smoke Ball Company. . . ."

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The Judge passed a weary hand across his forehead. "Are we to be spared nothing?" he murmured.

"Is one of a long line of authorities that define the law of offer and acceptance in contract. I wish to say no more now, than that these cases have clearly laid down that an offer can be made to the world provided such offer is not so vague it cannot be construed as a legal promise; such offer can be accepted by anyone who becomes cognizant of it; notification of the acceptance need not precede the performance; and finally, advertisers, by the sale of their advertised products, receive sufficient consideration to prevent the transaction being a nudum pactum, or to put it in another way, the Plaintiff suffers inconvenience at the request of the Defendants when he takes Nodoze Tonic."

"Has it such an objectionable taste?" asked the Judge.

"I regret to say I don't know, my Lord. I have never taken it."

"You felt capable of arriving at the felicitous state of marriage without the aid of artificial stimulant?"

"Yes, my Lord."

"I'm glad to hear it, Mr. Dashley. Since the case first came to my notice I have been worried as to the results should a marriage take place directly through the action of this tonic. If the marriage were then to break up, would the wife Petitioner be able to claim relief on the grounds of her husband's drinking habits? And would the husband's reply be that in vino veritas, but in Nodoze nihil sed adolescentem aetatis?"

"My Lord, with great respect, I think your Lordship is under a slight misapprehension as to the qualities of Nodoze Tonic. My learned friend will correct me if I am wrong, but I do not believe it is a rejuvenator."

Chapman stood up. "My Lord, I am instructed that Nodoze Tonic bears no relation to certain products designed to invigorate. This tonic is designed to prevent over-sleeping."

The Judge looked at counsel. "Mr. Chapman, are you certain you have expressed what you meant to say?"

"Yes, my Lord. Your Lordship is probably acquainted with

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certain products which are said to induce sleep in those worn out by the vicissitudes of life?"

"There is a handsome sale of such beverages to Her Majesty's Judges during Term Time, Mr. Chapman."

He made no comment but continued with his explanation. "My Lord, I am assured that there are an equal number of persons in this world who wish to stay awake. For them, Nodoze Tonic has been invented."

"Would it not be easier for the several parties to change jobs?"

"My Lord, imagine the sufferings of counsel should none of the Judges sleep at night."

"Mr. Chapman you have made your point . . . I fear we have distracted Mr. Dashley, who had just assured me that the taking of the prescribed amount of Nodoze Tonic was a detriment the Plaintiff suffered."

Chapman sat down and Dashley continued with his address.

"My Lord, I shall say no more as to the law involved, but will very shortly deal with the facts of the case. The Plaintiff is a man who has spent the greater part of his life in the simple pursuit of making money, my Lord."

"Mr. Dashley, it is not my habit to interrupt counsel, however much it may have become the fashion. But I cannot permit mis-statement of fact. The pursuit of money is never simple: if, however, you wish to infer that those who are successful at it are simple, that is another matter."

"I wouldn't know about that, my Lord."

"Very few counsel would: our profession caters for neither the simple nor the wealthy."

"Quite so, my Lord. However, using a neutral term, the Plaintiff was more concerned in the task of providing a living for himself than he was in the refined pleasures of life."

The Judge nodded his head.

"And so it was not until a few months ago he realized that if the name of Stone were to be one that would be known in the years to come, the Plaintiff would have to marry. For this purpose he

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made several offers to young ladies, all of which were refused in peremptory fashion. At this point he saw the advertisement mentioned in the Statement of Claim and he was thereby induced to take a course of Nodoe Tonic, in the sincere conviction that the advertisement—both the drawings and the words beneath—was a definite guarantee as to the efficacy of the Tonic."

Dashley paused and leaned back. "What was the name of the first girl after he took the Tonic?" he whispered. "Can't read my own writing."

Alan checked. "Prissy Pollen."

"My Lord, it was shortly after the Plaintiff had completed his course of the Tonic that he met Prissy Pollen."

"And what is Prissy Pollen, Mr. Dashley?"

"It is a case of who, my Lord. Prissy Pollen is the name of a young girl I shall be calling later in the proceedings."

"How do you spell Prissy?"

"P-R-I-S-S-Y, my Lord."

"Is it short for anything?"

"No, my Lord. To the best of my knowledge, the young lady was christened with that name." Dashley waited, but the Judge contented himself with a scowl which amply recorded his opinion of parents who named their daughters Prissy. "The Plaintiff then, met this young lady and proposed marriage to her. He was refused, somewhat indignantly as we shall learn. At that time, Miss Pollen was walking out with a regular."

"Doing what?"

"Walking out with a regular, my Lord. Accepting the attentions of one escort as opposed to many."

"Mr. Dashley, while I can admire your erudition and encyclopaedic knowledge of the current expressions used by those who enjoy such prostituted forms of speech, I feel that your opening speech will be more comprehensible to those of us who are not so favoured if you restrain yourself and speak English."

"Yes, my Lord . . . Miss Pollen refused this offer of marriage. Mr. Stone, certain that the advertisement could not be a trap for

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the unwary, persevered and gained the acquaintance of Miss Barbara Haven, a bubble dancer."

"Mr. Dashley, it is not my habit to remind counsel of my words."

"My Lord," he protested, "a bubble dancer is a well-known professional figure."

"There are but three professions, Mr. Dashley: the law, the church, and the army. Into which category does a bubble dancer come?"

"My Lord, it is possibly to be regretted, but none of these three august bodies contains the bubble dancer—a young lady who conceals beneath opaque balloons such parts of her body as the public are willing to pay to see revealed . . . Miss Haven not only declined the Plaintiff's offer of marriage, but said quite unequivocally that if she'd wanted a father she would have asked her mother." Dashley adjusted his wig. "My Lord, the Plaintiff was greatly distressed."

"I can well imagine that."

"He was reluctantly compelled to believe that Nodoze Tonic was not having any of the effects the advertisement had so strongly claimed. As a consequence, he wrote to the manufacturers and politely explained to them that since the first half of their bargain had not been kept, they must hold themselves responsible as to the performance of the second half—that is, to provide the Plaintiff with a suitable wife. He received no answer to this or other communications and he finally went in person to the Defendants and asked them in what manner they intended to carry out their obligations. He was treated in an uncivil manner which culminated in an incident to which your Lordship will be referred later. The Plaintiff now sues, my Lord, on this contract. . . ."

"Mr. Dashley," said the Judge, and he tapped the desk with his pencil, "let me suppose for the moment that I find a binding agreement and a breach of that agreement—what remedy does the Plaintiff claim?"

"Damages, my Lord."

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"And what do you say will be the measure of damages?"

"The loss of a wife, my Lord."

The Judge sat back in his chair and stared at the public gallery. "It's all very well to say that, and we know a comparable action lies in the Divorce Division where the Co-Respondent may be found liable to pay the worth of the loss of a wife. But how can you assess the worth of something you have never had, when it could not be certain you would ever have it, and had you had it its worth might be little or great, depending on how long you had had it, and the fact that you have never had it might well mean you could never have it because of certain extraneous facts?"

"I beg your pardon, my Lord?" said Dashley, after he had considered the other's words.

"No matter. It's a question into which we shall not venture unless the necessity should arise."

"Then, my Lord, I feel I have outlined my case at sufficient length."

"Rest assured on that point, Mr. Dashley."

"I will call my first witness; Mr. William Stone." While the Plaintiff made his way to the box, Dashley turned and spoke to Alan. "No sign of my Clerk?"

"Not yet . . . Yes, hang on, he's at the side waving to you."

He turned right round whereupon his Clerk moved over and whispered a few words to him.

"Silence," shouted the Usher as he handed the bible to the witness who then took the oath.

"My Lord," said Dashley, "I have this moment heard that it is absolutely necessary for me to appear elsewhere due to a very unfortunate oversight on the part of certain people—would your Lordship be kind enough to excuse me? My learned Junior will be well able to conduct the case in my temporary absence."

The Judge smiled, which made him look more sardonic than ever. "Surely it is more important to make peace with your Instructing Solicitors than with me?"

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"They have been kind enough to agree to my temporary absence, my Lord."

"Then let no words of mine detain you, Mr. Dashley."

He left, and Polson and Hammond moved to the bench immediately behind Alan.

Before another word was said, Chapman rose. "My Lord," he began, "I deeply regret the coincidence, but. . ."

"By all means," said the Judge kindly.

Chapman left.

"Mr. Pace—I note you have no junior colleague with you. Am I correct if I believe you will not be leaving us yet awhile?" suggested the Judge.

"Yes, my Lord. I fear I came unprepared."

"One has to be of many years' standing before one can be quite as prepared as your learned leader, Mr. Pace," remarked the other with a benign smile, which meant that he was ready to approve of Alan and would not be more sarcastic to him than was necessary.

There was a short silence as the court settled down once more. Attention became focussed on the Plaintiff. William Stone looked lost: his ill-fitting clothes seemed to be even more obvious than before, his peculiarly negative air became more apparent.

Mr. Justice Tenby's expression showed he was of the opinion that a man should not bring his rather dubious domestic troubles to court. He examined the Plaintiff with dislike, picked up his pencil and prepared to write.

Alan paused for a moment with the thought that he was about to address his first question to his first witness in the High Court. Then, with hardly a reference to his notes, he began the Examination-in-Chief.

Stone identified himself and gave a brief description of his business career in a low voice that twice caused the Judge to ask him to raise it.

Alan came to the more immediate facts of the case. "Will you please tell his Lordship the state in which you were before you took this tonic?"

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"I was sleeping much too much, sir. The moment I returned home from work I slept and it was terribly hard to wake up for my dinner. As soon as I had eaten, I went to bed, and then I slept again until I was awakened the next morning by being pulled out of bed by my valet."

"Why should he do that?"

"To awaken me. Otherwise I would continue to sleep."

"Did you then see an advertisement?" asked Alan.

"I bought the *Daily Mercury* one morning and saw an advertisement in it for Nodoze Tonic. For the first time I realized why I had never been a success."

"I thought you said you owned a steamship line with forty ships, also two private airlines and sundry industrial properties?" interrupted the Judge.

"Yes, my Lord, I do."

"Some people would be inclined to refer to such circumstances as a successful culmination to any business career."

"What I meant, my Lord, was that I wasn't married."

"Many a husband would insist that that was an even more successful ending," he remarked.

"I couldn't even find a lady who would willingly speak to me for more than a few minutes, my Lord."

"That's why you continue to own forty ships, two airlines, and some industrial properties . . . Continue, Mr. Pace."

Alan continued with the Examination. "Can you give any reason as to why you failed in the social side of life?"

"I always slept too much and was tired and listless when I was awake." Stone implicitly believed what he said. He was a man bound to be either a great success or a complete failure. Because he always told the truth in business and was as inevitably disbelieved, he was a success. That had not changed his simple nature, which made of him a clown who was not funny since there was no desire to be humorous, not pathetic because he was too funny. "This advertisement said that if I took the tonic things would change," he continued. "I would be awake and alive and

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would have a magnetic personality."

"And did you take a course of Nodoze?"

"I had four times as much as the directions said to make certain it should work."

"What did it taste like?" queried the Judge.

"Rather like water, my Lord."

"Pure coincidence, no doubt."

"What happened after you had taken this tonic?" asked Alan.

"I felt much better and did not sleep nearly so much."

"Did your social life change?"

"The advertisement had said I would marry someone young and pretty and I met a lady called Miss Pollen very soon after I had finished the tonic."

"Did you ask her to marry you?"

"Only after I had spoken to her several times."

"Did she accept your offer?"

Stone looked forlorn as he answered. "She said she wouldn't marry a man of my age, and she was going out with a regular anyway."

"Did you understand what that meant, Mr. Stone?" enquired the Judge.

"No, my Lord. I must confess at the time I thought it signified something not at all nice."

The Judge's expression became more friendly.

"What happened after she had refused your hand in marriage?"

"Four days later I was walking along the road near my home, when I bumped into a young lady . . . Miss Haven. I apologised and asked her if she would care to have tea with me to help overcome the shock. She accepted my invitation and told me she was a bubble dancer."

"Did you know what that was?" asked the Judge.

"I'm afraid I've always imagined it to be a form of Greek dancing."

"Did you ask Miss Haven to marry you?" continued Alan.

"She said that having done without a father all her life she

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didn't think she wanted one now.' Stone winced as he spoke.

"So what did you do?"

"I paid for the tea and left . . . I decided Nodoze Tonic was all-wet."

"Would you please translate that," requested the Judge, and he put his pencil down.

"I can't, my Lord. It was only what I was called once by a lady and I've always thought of it as describing something rather useless."

Alan returned to the matter in hand. "What did you do after this second failure?"

"I wrote to Nodoze Products Limited."

"Will you please look at the bundle of correspondence and tell me if the letter marked one is the letter to which you refer?"

The witness was handed several copies of letters. He identified the one in question.

"Did you receive an answer?"

"No. Nor to the second letter I wrote—so I decided to go along personally and see whoever was responsible for the carrying-out of the promise."

"What happened?"

"For a long time I could find no one who would take my request seriously, but finally I saw a Mr. Yarrow."

"Did he agree that it was his duty to provide you with a wife?"

"As soon as he understood what I wanted he refused to listen to my argument. He forced me to leave the building."

"What do you mean by that?"

"He said either I left of my own accord, or he would see I was frog-marched away."

"Which alternative did you accept?"

"I left, and then saw some solicitors and asked them to handle the case."

"And they agreed to do so?"

"At first they just laughed at me and said that. . . ."

"Stop him," hissed Polson.

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"Thank you, Mr. Stone," interrupted Alan hastily, regretful that the truth was not to be told.

He checked first with his notes, then with Polson that he had covered everything of importance. Satisfied, he sat down.

Heldon rose to cross-examine.

CHAPTER FOURTEEN

HELDON stood up and stared at the witness. He stared with an expression that was a blend of disbelief, disgust, and a desire to uncover the truth.

"That's really an awful lot of nonsense, isn't it?" he finally asked in a voice which indicated that if only the other would confess, all would be forgiven.

"What is?" queried Stone.

"This story that you sleep too much; this absurd statement of yours that you believed the advertisement was to be accepted as literal truth; this desire to become married."

"But I want to get married."

"Why?"

"Mr. Heldon," said the Judge, "That is a silly question, and I for one would have nothing to say if the witness presented you with a silly answer."

"I respectfully disagree with you, my Lord."

"By all means, Mr. Heldon, disagree with me respectfully, or otherwise. The result will be the same."

He was beginning to become annoyed. "There are several reasons why a person wishes to marry."

"Undoubtedly. In the same way as there are many forms of salad."

"As your Lordship pleases."

"It's nothing to do with me."

Heldon faced the witness again. "Let me start at the beginning," he said sharply.

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"An admirable arrangement," murmured the Judge.

"Did you ever propose to a lady before you did to Miss Pollen?"

"No," said Stone.

"Do you seriously ask this Court to believe that you had not proposed to anyone until a few months ago?"

"It's true." He blinked rapidly. "You see, I very rarely met any ladies all because I was either working or asleep. Even when I did happen to meet them, I never could summon up the nerve to propose."

"You were either working or asleep!" Heldon stared round the courtroom and he could not express the full extent of his disbelief. "You stand in that witness box having sworn to tell the truth, the whole truth, and nothing but the truth, and you say you were either working or asleep! Even your own counsel must find that incredible assertion difficult to believe. If there were a jury, they'd laugh at such a wild statement . . . Do you honestly expect this court to believe that you sleep for any longer, or any deeper, than does the average person? Do you believe anyone here can receive your story with anything but ridicule?"

The fine flow of words ceased, and Heldon waited for an answer.

The silence became prolonged, so he abandoned the histrionic pose in which he found himself at the conclusion of his speech and he stared at the witness.

William Stone regarded the floor of the courtroom, with a sad expression of helpless despair on his face.

"Do you seriously claim you sleep one iota more than anyone else? Answer me," barked Heldon.

The witness looked up suddenly. "Did . . . did you ask me something?" he said nervously.

One of the public misguidedly laughed, but he ceased abruptly as the Judge, Heldon, Alan, the Usher, and the Associate stared at him.

Heldon turned back and addressed the Judge. "It's a little

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difficult," he observed with heavy sarcasm, "To cross-examine a witness who treats the law as though it were a parlour game."

Mr. Justice Tenby smiled pleasantly. "I feel sure you misunderstood Mr. Stone's attitude. His bearing up to date has not inclined me to the belief that he is someone it is necessary to correct with a few well-chosen words."

Heldon wondered what sort of an answer that was intended to represent. "My Lord, with respect, you yourself must have heard his unco-operative answer to my simple question?"

"I imagine there has been a slight misunderstanding." He turned and spoke to the witness. "Mr. Stone—am I correct when I say you had no intention of being humorous?"

"No . . . I mean, yes, my Lord." He could not speak sufficiently quickly, and he stumbled over the words. "I'm afraid I allowed my attention to wander because I was bored . . . Oh!" He realized he had probably given offence again.

"That's all right," soothed the Judge. "Mr. Heldon is not particularly sensitive to criticism of his orations, are you, Mr. Heldon?"

Counsel gazed sourly at the bench. "It's the first time, my Lord, that I've had such positive confirmation that my cross-examination was so deadly."

The Judge smiled.

Heldon searched through his papers, which lay strewn about, until he found the one he wanted. He looked up. "You say you had no time in which to meet members of the opposite sex with a view to matrimony," he spoke quickly. "What suddenly decided you that you did have the time after all?"

"I practically retired from business, sir."

"You retired and you immediately thought about matrimony! Why didn't you consult a marriage bureau—surely that would have been the simplest course?"

"I was on my way to one when I read the advertisement. I calculated that a course of Nodoe Tonic would cost only a pound or so and the marriage bureau asked twenty-five pounds to register

me and another fifty the day I was married."

The Judge looked relieved. "At last I understand the basis for your financial success," he said.

"And you really thought that that advertisement was to be accepted literally?" continued Counsel.

"Why not?"

Heldon laughed. It was a short, scornful laugh. "Have you ever read any advertisement that was to be believed literally?"

Stone looked bewildered.

"I imagine that is a difficult question to answer . . . If everybody accepted all advertisements as the truth, what do you expect the results would be?"

"More cases of this nature," suggested the Judge.

"My Lord . . . with great respect, the fact that this is, in effect, the first case of its kind clearly demonstrates the truth that people do not believe advertisements."

"With an even greater respect, Mr. Heldon, is the universal and almost pagan disbelief of the modern generation of the slightest consequence in this case? What the rest of the world does, can have very little relation to what Mr. Stone does."

"My Lord, I wish to establish what the reasonable man does or does not do."

"In my considered opinion, that has absolutely no relevancy."

"My Lord, in a case like this, it is the man on the Clapham Omnibus who forms the criterion."

The Judge pushed his pencil to one side. "Has Mr. Stone ever travelled on the Clapham Omnibus?"

"I don't know, my Lord."

"It is to be doubted that he has, Mr. Heldon. The owner of forty ships, two airlines, and sundry industrial properties, does not travel by public transport. Such means of conveyance are reserved for professional men and children under sixteen. I have no hesitation in saying that if twenty people are seated on top of a Clapham Omnibus and not a single one of them believes in the properties claimed by certain soap powders, that fact has no

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bearing whatsoever on the man in the Rolls-Royce who is convinced his linen is whiter than white."

Heldon tipped up the seat next to him and this gave him a small space in which to stride backwards and forwards, which he did as he spoke. "My Lord, in that very well-known case, it was. . . ."

"Which case?"

"At the moment, my Lord, the name escapes my tongue."

"Then refer to it as a case."

"As your Lordship pleases . . . In a case, a certain well-known Judge laid down. . . ."

"What was his name?"

Heldon had been about to stride to his right. He stopped, and his lips moved. Then he continued. "I've no idea, my Lord."

"Your memory of the case in question is not too strong, is it?"

"As your Lordship pleases . . . In a case a Judge laid down a well-known . . . a dictum, in which he said that the reasonable man is the man on the Clapham Omnibus. In this case. . . ."

"Mr. Heldon—I am fully cognizant that this remarkable creature, the reasonable man, is enshrined and honoured in our laws. I am equally well aware of his many virtues. He contemplates all the consequences of an act before the act occurs, he foretells the future, has an all-embracing knowledge of dynamics, ballistics, psychology, child welfare, is on speaking terms with the last world and the next, knows far more law than the most brilliant of Her Majesty's Judges—and the only flaw is that never, since the Clapham Omnibus first ran, has he ever travelled on it."

"That may be so, my Lord."

"It is so."

"I am sorry your Lordship takes such a different view to so many of the learned Judges on the Bench."

"Do not worry yourself on that score," said Mr. Justice Tenby with satisfaction.

"Nevertheless, the man on the Clapham Omnibus. . . ."

"Will stay in Clapham, Mr. Heldon, the one district in London

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that might, one day, breed such a paragon."

Heldon wished he dared argue further, but there was not a counsel in the Temple who opposed the present Judge more than was absolutely necessary. He turned and regarded the witness.

Stone had again lost interest in the trial.

The Judge gently put his pencil down on the desk. "Mr. Heldon, I fear that if we are to have the benefit of the witness' presence, counsel must be prepared to confine themselves to the facts of the case. While this course of conduct may arouse misgivings, I feel certain we will discover compensations."

"Look who's perishing—well talking," muttered Heldon to himself, in a wellcome, but childish, outburst of feeling. He then bowed slightly to show he understood, turned and said, "Mr. Stone?"

"Yes, sir?"

"I wanted to make certain you were with us."

"In Clapham, sir?" asked the witness.

The Judge smiled.

"This advertisement," said Heldon finally. "The one you claim to have read in the paper. What did you really think it promised you?"

"That it would make me much less sleepy and so present me with a chance to meet some young and charming lady who would agree to be my wife."

"Why do you place so much emphasis on the qualities young and charming?"

Stone looked very confused and he glanced at Alan before he answered. "Those are the two qualities the drawings highlighted," he said.

"Surely you do not now ask this court to believe you thought those drawings represented, literally, the promise?"

"Of course."

"That is the most extraordinary piece of evidence I have ever heard."

"Why?"

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Heldon looked blank.

"Yes," remarked the Judge, "why should it be so extraordinary to believe that others speak the truth? In my day, that was the hallmark of a gentleman."

"I can only suppose, my Lord, that the fact there are so few of the genus left, reflects the truth that it would prove a costly hallmark to-day . . . Mr. Stone—do you wish to tell the court you believed every single thing about that advertisement?"

"Yes, sir."

Heldon moved down the benches and whispered to Alan. "The man's a lunatic."

"The complexity of simplicity?"

"Not you as well! The old bastard on the Bench is bad enough." He returned to his place and continued his cross-examination. "I shall move on and deal with the time that you met these two young ladies. Am I right if I say that in both cases you proposed marriage after a very short acquaintance?"

"I suppose you might call it short," admitted the witness.

"Indeed, as regards Miss Haven, the celebrated bubble dancer, I understand the acquaintance was so short it barely covered the time needed to have tea together."

"We hadn't finished the cakes," he answered with delightful regard for accuracy.

"Suppose for the moment that this advertisement had meant all that you say it did; that it did guarantee success in the field of matrimony . . . do you wish the court to understand that you were capable of the belief that its success would be so immediate a young lady would agree to marry you half an hour after she had first met you?"

"That's what the advertisement promised," protested Stone.

Heldon turned and spoke to his solicitors. "What can you do with a man like that . . . he doesn't mind looking ridiculous?"

"Wish he were our client," murmured Wallace with feeling.

Counsel returned to the task in hand. "Do you know Mrs. Walsh?"

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"I think I have met her once, but I can't be certain. I spoke to a charlady in the offices of Nodoze Products Limited—or more correctly, she spoke to me—but it was not until my solicitors told me that I knew her name."

"You're suddenly very vague, Mr. Stone. Could it be that now we have come to the evidence of the performance of the contract your memory has necessarily become uncertain?"

The witness was eager to assist. "But I thought you denied the contract," he said.

"We deny it—yes. But we say that if there were a contract, we performed all our obligations."

"That doesn't make sense," he observed. "How can you deny a contract and then say there was one?"

The Judge looked up. "Counsel may do his best to explain to you, Mr. Stone, but as a layman you can hardly be expected to appreciate that in the legal world nothing dares to be too definite."

"I hardly feel," protested Heldon, "that it's my task to guide the witness through the complexities of Pleading. The fact that one can deny, and then confess the same fact is merely . . . well. . . ."

"It just seemed illogical to me," apologized Stone, who now appeared very upset that he should have caused so much trouble. "It's probably very silly of me."

"It happens to be the law."

"Then of course it must be sensible, mustn't it?"

Heldon hastily changed the subject. "Did you come out of the Defendants' offices in which you had spoken to the Advertising Manager and did you then trip over Mrs. Walsh?"

"I fell over a lady who was scrubbing the floor."

"Did the Advertising Manager suggest she would make you an excellent wife?"

"He may have done. He was laughing so much at the time it was difficult to understand him."

"Did you accept his suggestion and see Mrs. Walsh again?"

"She was married."

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"It may surprise you to know, Mr. Stone, that she was not married."

He looked indignant. "She mentioned her old man."

Heldon coughed. "Had you pursued the matter further you would have discovered that Mrs. Walsh referred to an arrangement between two people which is not unknown, but which has not the benefit of legalized sanction."

Stone was outraged. "I would not dream of condoning and then accepting the fruits of such an arrangement," he said indignantly. "And it was highly immoral to suggest that I should."

Counsel picked up a bundle of papers. "Be that as it may, the Defendants offered to perform their obligations under the contract and you refused to accept that performance. Nodoe Products introduced you to a lady who, as she will say later in the trial, was ready to marry you. That was the extent of this obligation."

"But . . . but how was I to know she was ready to marry me when on the only occasion she spoke to me it was to call me several uncomplimentary things? And besides . . ." Stone had great difficulty in continuing since he had no desire to hurt people's feelings. "Well . . . the advertisement said someone young and beautiful. A frugal housekeeper. A . . ."

"A frugal housekeeper!" Heldon repeated with furious sarcasm. "A man with your wealth is more concerned with frugality than with the kindness love and affection that should exist between married couples." he finished with horrified disgust.

"It's not that at all." The witness was greatly embarrassed. "But money takes so much earning and so little spending. I just didn't want a wife who would need more than a hundred pounds a week to run the house."

There was a loud cry of astonishment from the back of the Court.

Heldon was also upset. "Frugal . . . a hundred pounds a week . . . that's hardly my idea of frugality," he stated finally.

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"I imagine," observed the Judge drily, "that many people will echo your words."

Counsel continued his cross-examination, but it was plain that he had been upset by the revelation of the extent of frugality. Finally he sat down, still puzzled.

Alan re-examined very briefly.

The Judge looked at the clock. "This seems to be a good moment to adjourn," he said. "We will resume at two o'clock." He rose, bowed to counsel, left.

At the precise moment of the second stroke of two the Judge entered the court. Counsel bowed low, he inclined his head sufficiently to show that he had noticed their salute, but not nearly enough to suggest equality. Mr. Justice Tenby admitted equality with no one. He sat down.

Alan rose to his feet.

"Mr. Pace, am I to judge from his absence that your learned leader still finds himself unable to honour us with his presence?"

"I believe, my Lord, that he is in the middle of a most searching cross-examination."

"Then proceed, Mr. Pace."

"Doctor Tames. . . . My Lord, I am instructed that the witness has a very busy practice and, subject to your Lordship's approval, it would greatly assist him if you would release him once he has given his evidence."

"Mr. Pace, I fail to see that doctors are the vital necessity to the world that they would have us believe."

Alan looked blank.

"I hold strong views on the subject. There is far too much meddling with nature, Mr. Pace, and it is amazing that people can remain healthy with so many doctors in the world. Yet we have some who come here and assure us that if they do not return immediately to their patients, the said patients will expire forthwith."

Alan wondered if he were meant to reply or not, but luckily did not have to make the decision.

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"However," continued the Judge, "since it is possible the unfortunate public have been conditioned to such an extent they really will suffer should this gentleman not return, he may be released if Mr. Heldon has no objections?"

"None, my Lord," said Heldon.

The Judge transferred his attention to the witness, who had entered the box.

The latter, about to object at what had been said, met the glance and decided to remain silent. He took the oath and consoled himself with the thought that sooner or later the Judge would need the attentions of a doctor, even if only to certify the cause of death.

"Has the Plaintiff ever consulted you, doctor?" asked Alan, once the preliminaries had been completed.

"He has."

"Will you please tell the court the circumstances?"

"Mr. Stone was suffering from somnucapitis of a pronounced degree allied with a trace of somnucorporis."

The Judge slammed his pencil on to his desk. He turned towards the witness. "Doctor," he said at last, "at the moment neither I nor learned Counsel is your patient. There is, therefore, no reason to wrap up what it is you're trying to say."

"That was the name of the complaint," said the doctor defensively.

"It sounds a very fair example. But would I be correct if I surmised that beneath these sonorous phrases there lies nothing more than the simple expression, he sleeps too much?"

"Well. . . . It's not quite so simple as that, but. . . ."

Alan hastened to proceed.

"What are the symptoms of this disease?"

"The patient sleeps far more than is normal, and indeed, far more than is good for him since he is not awake sufficiently long enough to enjoy the normal pattern of life."

"Would the patient suffer physically in any way?"

"He would be terribly tired all the time he was awake, and completely unable to concentrate on anything unless his mind was

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sufficiently interested to prevent the forces of sleep from taking over. You see, in this kind of case there are only two instincts possible—sleep and, in Mr. Stone's case, work. The image of sleep is suppressed all the time that the conscious mind is fully occupied by the problems of work, but the moment there is any lifting of the curtain between the conscious and the subconscious, because the conscious is not completely occupied, then the image of sleep is projected and the desire for sleep takes over."

"Is it your desire to say that if Mr. Stone is not working he is sleeping?" asked the Judge.

"Yes, my Lord, but it's. . . ."

"Mr. Pace, continue with your examination, but pause each time the witness has harangued the Court and we will endeavour to translate."

"Doctor Tames—would this state of affairs preclude a happy social life?"

"There could be no social life. Only sleep."

"When you saw the Plaintiff, did you prescribe any treatment?"

"I said he must take cold baths morning and night, coffee before he went to bed and a certain number of energy-type pills each day."

"Did this treatment help the Plaintiff?"

"I regret that he appeared to find no relief."

"When did you last treat Mr. Stone?"

"About a year and a half ago."

"Thank you, doctor."

Heldon hardly rose from his seat. "No questions."

"You are free to go, doctor," said Alan.

The witness left the court.

Alan addressed the Judge. "My Lord, I do not know whether my learned friend wishes to dispute the fact that my client took the tonic as directed."

"We do not dispute it," said Heldon.

"Then I shall call the first of the two young ladies to whom reference has already been made. Miss Prissy Pollen, please."

A young girl of about twenty years of age entered the witness

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box. She was dressed with a taste that accompanied little-fingers curled about tea-cups. She took the oath, glanced round nervously and hoped her nose was not too shiny.

"Do you know the Plaintiff?" asked Alan, after he had put to her the preliminary questions.

"Yes, sir."

"When did you first meet him?"

"On the Monday after my birthday," she replied.

"Unfortunately, Miss Pollen," snapped the Judge, who loathed Kensington, "not all of us are cognizant with the day on which you first drew breath."

"I . . . I don't understand, your Worship."

Mr. Justice Tenby shuddered. "Mr. Pace," he said, "would you be kind enough to instruct your witness that she is not talking to the Mayor of Nether-Wallop."

"You address his Lordship as my Lord," said Alan.

"I . . . I'm terribly sorry, my Lord . . . but you know how it is. . . . ?"

"Thankfully, I do not."

"What happened after you met Mr. Stone?" said Alan quickly.

Miss Pollen looked down at her feet. "On the fourth day after he had first spoken to me, he asked me to marry him."

"I can't hear a word she says," snapped the Judge.

"Would you repeat that, please, Miss Pollen, a little louder."

"He asked me to marry him," she said, simpering.

"Give the witness some water—she looks as though she might faint," ordered the Judge, highly annoyed by her coyness.

"I'm all right, my Lord," she protested. She glanced round self-consciously and fidgeted with ostentation.

"Mr. Pace, why is your witness dancing all round the box?"

Miss Pollen burst into tears.

"Bless my soul," ejaculated the Judge. "Now what's the matter with the girl?"

"I think, perhaps, my Lord, she is a trifle upset at your last suggestion," remarked Alan cautiously.

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"Stuff and nonsense! Mr. Pace, send her away and call your next witness. Bring her back when she's recovered and is relatively immobile."

Miss Pollen departed with the tears thick upon her cheeks.

Alan tried not to show his bewilderment at the way events had gone. He looked across at Heldon who shrugged his shoulders slightly.

"Miss Haven," said Alan automatically.

Another young lady entered the witness box. She was dressed in something that emphasized the trimness of her body. She swayed as she walked, and even when she stood still she seemed to vibrate. Her eyes expressed many things to all men.

"Are you a bubble dancer?" asked Alan.

"I am," she answered, in a soft, intimate voice.

"Tell me," said the Judge, "what is a bubble dancer?"

"It's a girl who wears very little and then uses some kind of bubble to make it look nothing," she explained. "Men prefer to use their imagination for the last strip. You know how it is," she added carelessly.

"No, I do not," replied the Judge thoughtfully.

"Did you ever meet the Plaintiff, Mr. Stone?" asked Alan.

A strange expression crossed her face. "I sure did. He bumped into me in the street and apologised, which showed he was a gentleman. So when he asked me to tea, I went with him. We hadn't finished eating when out he comes and pops the question."

"Does what?" queried the Judge, kindly.

"Asks me to marry him."

"What did you say?" continued Alan.

She looked as though the memory hurt. "I told him I'd never had a father and even if I'd wanted one I'd have asked my mother."

"You refused his offer?" Alan wanted to make quite certain.

"That's the beginning and end of it."

"Did you see him again?"

"Not until to-day."

"Thank you."

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Alan sat down ~~after~~ he had checked with Polson that there were no more questions he should ask. Heldon rose.

"The courtship wasn't a very long one, was it?" he said.

"Quickest I've ever known."

"Did it surprise you—when Mr. Stone asked you to marry him?"

"What do you think?"

"I don't think, I'm. . . ."

She laughed loudly. "You said it, not me!"

Heldon looked to the Bench for a Jovian thunderbolt which would destroy the profane mirth of the witness, but it became obvious none would be forthcoming.

"Perhaps you are used to inveigling men into proposals?" he suggested.

"I'm nothing of the sort."

"The profession . . . job, I beg your Lordship's pardon . . . of bubble dancer must lead to several enquiries of a personal character?" He lifted one eyebrow.

"I always keep my bubbles blown up," she snapped.

"One job in which hot air is useful," remarked the Judge.

"Miss Haven, have you ever before received a proposal of marriage within so short a time of acquaintance?" asked Heldon.

"No," she admitted.

"Then would I not be correct in saying the fact that you turned down this proposal was more concerned with the haste with which it was made than with the person who made it?"

"I'll say!"

Heldon allowed himself a brief smile. "Would I also be correct if I said that whether Mr. Stone did or did not sleep a lot, had or had not a magnetic personality, was of no account?"

"Right again. Darn it—my mother always said I was a fool and you can't judge by looks."

He tried to follow her thoughts, but he failed. "I don't understand."

"How was I to know he was rich?" she asked bitterly. "He dressed like a bank clerk. If he'd said he had a hundred a week for

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his wife or even twenty, I wouldn't have let ~~him~~^{her} out of my sight until ~~he~~^{she} took me before the preacher."

CHAPTER FIFTEEN

MR. JUSTICE TENBY'S expression became more and more Mephistophelean. He revelled in the results of the verbal bombshell and made no effort to assist the contending parties in their dilemma.

Heldon stared at Miss Haven and could think of nothing to say. Indeed, for the moment he was not certain anything should be said. He looked at the Judge to see if the latter would indicate something, and quickly realized that the Judge's sole indication was a warped delight in the proceedings. He turned quickly and whispered to Wallace.

"That's a hell of a thing to say without warning!"

The solicitor chewed his lip. "Now what?"

At the other end of the bench, Alan stared at his brief and wondered if it were up to him to say or do anything. He looked at the witness and decided he loathed bubbles.

"What are you going to do?" Polson asked him.

Alan turned. "I don't quite see. . . ."

"Do something, man, quickly. You've been briefed to do something, haven't you, not just to sit there."

"Why don't you shut up?" Alan asked quietly, and he felt much better.

Polson, in acute consternation, looked at Hammond, and Hammond, almost overcome, looked at Polson, and from their expressions it was as though a valued and long-standing client when presented with his bill of costs had admitted he was a bankrupt.

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In the meantime, the public failed to understand why the proceedings had come to a halt.

They were not in a position to estimate the situation. A contract had been alleged, and a breach thereof. Two witnesses had been called to give evidence of that breach. Yet the second witness had just stated, and this was subject to important qualifications, that in effect there should have been no breach since she was perfectly ready to marry the Plaintiff. Yet could that be called as evidence in view of the fact that her willingness had only become apparent after the trial had commenced, her acceptance was only brought about by her knowledge of the wealth of the Plaintiff? Was it an acceptance? Could the Plaintiff repudiate it as being nothing of the sort since, on her own evidence, she had had her chance and had turned it down? Or was it sufficient to meet the terms of the contract—if there were a contract—especially as the advertisement said nothing about the causes of the offer and acceptance?

"Pray continue, Mr. Heldon," said the Judge.

"My Lord, I . . . that is . . . I rather think. . . ."

"Unfortunately, Mr. Heldon, I cannot quite gather the import of your thoughts."

"My Lord . . . Subject to your approval, and with the concurrence of my learned friend, I would ask for a short adjournment."

"Is not that an unworthy way of escape from your difficulties?"

"It may well be, my Lord, but it has the sanction of custom."

"Mr. Heldon—I should have thought that there was little need for an adjournment. I comprehend your difficulties, but to my mind your future course is clear."

"Perhaps your Lordship would be good enough to indicate the direction of that course?"

The Judge smiled benignly, and in consequence looked exceedingly wicked. "I do not feel that in the present circumstances I should say anything."

"Then, my Lord, I would ask for an adjournment."

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"Very well." He sighed and rose to his feet, the Usher called for silence, the public stood up, the Judge left the courtroom through the door at the back of the raised dais, and immediately, everyone seemed to speak at once.

"May I leave here?" asked Miss Haven plaintively from the witness box. No one listened to her plea.

"Have I got to stay here all the time?" she tried again.

William Stone approached her. He was like a truant schoolboy trying to indicate invisibility of self.

Barbara Haven was about to shout once more for help when she noticed his approach. For a brief second she saw him as he was; then she disguised him with a large pound sign which straightened his shoulders, increased his stature, and endowed him with the middle-aged charm that was so much more lasting than the exuberance of penniless youth.

He came to a halt at the foot of the witness box. "Did you . . . did you mean what you said?" he asked.

"Mr. Stone," she said softly.

"My christian name's William," he suggested.

"It's my favourite name," she exclaimed in surprise.

"Miss Haven. . . ."

"My name's Barbara."

"Miss Barbara. . . ."

"My real friends always call me Bubbles."

He swallowed nervously. "Bubbles," he repeated with awe.

Barbara Haven summed up the facts. If she wished to give up her bubbles—figuratively speaking—she would have to dispense with the delicate ignorance that clothed ladies the moment they successfully forced an offer of marriage. "William, we're made for each other" she said.

Her statement was neither original nor truthful, but William Stone was not to know that. Wordlessly, he searched in his pocket and took out the jewel case he had carried since the day he first drank Nodozé Tonic. He opened it.

The ring inside contained a diamond of so many carats it

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would have looked false, but for the fact it ~~must~~ be real it was so enormous.

She accepted the ring with an air of disbelief which gradually disappeared as, very slowly, she fitted it on the third finger of her left hand.

"Do you like it?" he asked uncertainly.

"It's . . . it's lovely." Reluctantly she looked away from the circle of ice-cold fire. "But it's you I want, William, just you. You mean so much more than things like diamonds." She closed her left hand tightly.

She left the witness box and joined him at the foot of it. "Let's leave this place, William: it gives me the creeps."

"I don't think we ought to," he answered uncertainly. "You're still giving evidence, and. . . ."

"It's a silly case."

So they left.

Alan and Heldon, together with their attendant train of satellite solicitors, followed their example some four minutes later. The two barristers withdrew to the far side of one of the bay-windows.

"Cigarette?" asked Heldon.

"Thanks."

They smoked in silence for a few moments.

"You're in a tricky position now, aren't you?" tried Heldon cautiously.

"You don't really think her evidence has made the slightest difference, do you?" Alan sounded incredulous.

"You've no case left!"

"I've as good a case as I ever had. Her evidence clearly showed that any chance of marriage there might have been, had nothing to do with the Tonic."

Heldon flicked the ash from his cigarette. "Does he really own forty ships, two airlines, and sundry industrial holdings?"

"The sundries are half-a-dozen factories that make more money than the rest put together."

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"I don't understand it," he muttered dispiritedly. "I just cannot comprehend how a man like that can be worth millions, and people like you and me have to scratch for a bare living."

Alan sighed. "He said his income was well over fifty thousand pounds a year."

They returned to the case.

"Look here," said Heldon, "from what was said, your client has found himself a wife. If that's all he wanted, surely he won't mind standing the costs? He'll hardly notice he's paid out anything."

"Nodoze Products Limited can't be starving—and all this will have given them wonderful publicity."

"If this case goes on, and if you stick to your present attitude it'll have to, your client is more than likely to be saddled with the costs of both sides."

Alan objected. "Or gain damages for your breach?"

"You can't really think that?" he asked sarcastically.

"We still stand a good chance."

Heldon looked at his watch. "I want to get home early to-day, if I can. Let's risk it and put our cards on the table."

"All right."

"We don't know what the outcome of the case would have been, but right now it's been tipped slightly in our favour—agreed?"

"Yes."

"At the best you won't get heavy damages. Even if old Tenby does find for you, it's a thousand to one you'll only get contemptuous ones. Let's call it a day with honours even? No damages, and costs to be borne by whichever side incurred them."

Alan stared through the leaded window. He wondered if he could ask for more, decided he was not justified in so doing.

"All right," he agreed.

"Good!" Heldon smiled. "We can return and tell his impatient Lordship he's no longer wanted. Nothing else to clear up, is there?"

"Can't think of anything."

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They parted and were instantly surrounded by their respective solicitors.

"Well?" demanded Polson belligerently.

"No damages, costs to be borne by the party who incurred them."

"Are you mad?" he asked angrily. "We want heavy damages. How can you let them get away with that? I told you before, we want heavy. . . ."

"If," said Alan, and there was a wonderful feeling of peace deep inside him as he spoke, "you leave these courts and walk due South you will come to the river Thames. Grasp firmly two heavy weights and jump into the deepest water you can find. Do not let go of the weights."

"You can't speak to me like that."

"As Miss Haven would probably say—Nuts!"

Alan reflected that the victory was a hollow one, and by the morrow he would undoubtedly regret his words. But right then nothing had ever given him greater pleasure. He smiled, studied Hammond and laughed, turned and was about to enter the court.

"What's up, Pace?" Dashley came striding down the corridor, looking immensely busy.

Alan explained.

"Good! Good! So we've reached a settlement, have we! It was a tricky case, you know, tricky. Not the kind to play with too long. I've lost five shillings but I'd rather that than fight it to the end . . . Unless I can persuade Chapman that the new evidence invalidated the bet," he said thoughtfully. "Well, no sense in waiting: let's go in and tell the old boy what's happened." Dashley was in a good humour. His other case had adjourned at an early hour and it enabled him to return and make a second appearance on behalf of Mr. Stone.

They returned to the courtroom and awaited the coming of Mr. Justice Tenby.

Alan had lost his child. For months it had been nursed through

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its gestation period: now it had reached maturity and died and was buried, all in the space of one day. Stone and Nodoze Products Limited was nothing but a memory.

"I don't like the terms of the settlement," snapped Polson, who came up to him unawares and effectively shattered his thoughts.

"So you said before," he answered shortly.

"You should have consulted us," chimed in the faithful Hammond.

"That's absolutely correct. This case should have been fought to the bitter end."

"We would probably have lost and had to pay the costs of both sides," stated Alan flatly.

"We should not have lost," denied Polson. "And another thing—I'm not happy with the way you handled the case. Hardly gives me confidence in you."

"I'm sorry about that."

"And your rudeness is inexcusable."

"And inept," admitted Alan. "But I can never think of a witty answer until later."

"Is that meant to be an apology?"

"No."

They faced each other. Polson was angry. Alan smiled wearily. He thought he could not have made more certain he would lose his one professional client. But he could take no more from solicitors who thought that a brief bought a man's self-respect.

"You will hardly be surprised, Mr. Pace, if I tell you that you are unlikely to receive further briefs from our firm."

"I gathered that fact as far back as the day I refused to help you rob your own client of another few guineas."

"There you are!" It was an opportune moment for an interruption and all three of them were grateful. They turned and watched the rather portly man hurry towards them.

Polson was the first to shake aside the fogs of insurrection. "We didn't expect to see you here."

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"No, Mr. Tolley," echoed Hammond.

Alan decided the name sounded familiar and the moment he tried to think why, he remembered; it was at the top of the notepaper of Fitch, etc.

"I've just had a dreadful experience. Absolutely dreadful—my heart can't stand such shocks."

The other three regarded him more closely, and they noticed that his countenance appeared to be unnaturally white.

"Is something the matter, sir?" asked Hammond, as he tried to be helpful.

"I've just escaped death," Tolley said, in hushed tones.

"Isn't that just like life," remarked Alan to himself.

"Another inch and I would have been nothing but blood and brains on the windscreen of my car."

"No, sir!" said Hammond, shocked.

"I tell you, another inch and I'd have been an obituary. Polson, my new car is badly damaged."

"What happened?" Polson managed to remain calm.

"I decided to come along and see how our case was progressing. I drove along the Embankment and went to cut through and park my car in one of those little streets around the Aldwych and when I rounded a corner I met a car head on . . . Head on . . . I tell you, if I wasn't a brilliant driver I'd have been nothing but blood and brains." He paused for, and received, sympathy.

"But I slammed the wheel over," he continued, "and skidded to his off-side and only the wings of our cars met. Another inch to the left and there'd have been no hope for either of us."

"Did you get his number?" asked Polson.

Alan had been about to leave since it was evident that the accident had hardly been as critical as it had at first seemed. But when he noticed the furtive expression that suddenly appeared on Tolley's face, he paused.

"I . . . I didn't," muttered Tolley.

"You should have jumped out of the car immediately and taken it."

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"I . . . Polson—how's a man to know all the one-way streets in London? I don't come this far by car very often, so how am I to know unless they put the sign where I can see it?"

• "Did you drive up a one-way street the wrong way?" asked Alan bluntly.

"I tell you, I don't know. I had my window down and a second after we'd smashed into each other I heard someone on the pavement call out that it was a one-way street."

"So either you or the other car might have been going in the wrong direction?"

Tolley looked as though he were about to deny the fact, then he changed his mind. "It all happened so quickly," he said defensively. "One second I saw this enormous Bentley, the next we were into each other. My nerves were so shaken that I . . . I found the car would still go after the crash and so I went."

Polson nodded his head. "When in doubt, clear out." It was the obvious course to take.

Alan felt that the story had been told, and anything to come would be repetition. "I'm off," he said.

"I tell you, if they won't put the signs where one can see them, anyone can become a circle of blood and brains. . . ."

Alan walked down the great central hall and passed through the swing doors. He wondered if it were a symbol. Were the doors closing so tightly to show him he was at the end of his career in the High Court? He turned right and entered the robing room. One thing could be stated without fear of argument—in so far as the firm of Fitch, etc., were concerned, it was the finish.

• . . .
"How did it go?" asked Belinda excitedly.

• Alan sat down in the arm-chair and sighed. "All over."

"I thought you said it would last at least two days?"

He told her all that had happened, finished: "All that's left now is the cheque."

"Yes, the cheque," she repeated in a pleasure-laden tone of voice.

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"And don't count that before it's been paid into the bank and cleared," he warned her. "I was a trifle blunt in the way in which I spoke to them, so they may not even pay me."

"Don't be silly, darling! They have to pay it."

He shook his head. "If they decide not to, there's nothing I can do about it."

She became indignant. "I've never heard such utter nonsense. If they don't pay you, sue them."

"I've told you before, my angel, a barrister can't sue for his fees."

"The law's damn stupid."

"It does seem a bit queer," he admitted, reluctant to criticise the system before a "civilian" . . . even if she was his wife.

Belinda sat down on a chair and placed her hands in her lap. She sighed. "I'd gone to all the trouble to arrange how we would spend that money."

He laughed shortly. "On Chambers' fees."

"You paid them—we went without butter, or something, so you could settle them."

"That was months ago. I owe another quarter's rent since then."

"Darling, I'm sure you should have been a solicitor."

He searched his pockets for a cigarette, found nothing but an empty packet. She gave him one of hers.

"I'm beginning to agree with you," he said. "Pride isn't everything."

"By now, we could have had a big house, you would have bought me fur coats and odd items of jewellery and have had a large and expensive car for yourself."

"Be like the Currys, in other words."

She chuckled. "It's unchristian of me to find it quite so funny, but you know how proud Curry is about that disgusting big Bentley of his?"

"I do. He told me how much it cost the first time we met him."

"He's smashed it up."

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Alan suddenly sat upright. "When?"

"That I don't know—but I was in the village half an hour ago and I saw him come through—and the front of the car was an awful mess."

He felt that although it might be coincidence, it seemed unlikely, and he ought to find Curry and tell him who it was he had crashed into.

"Belinda—I must go and have a word with him. I may know who wrecked his car."

She looked doubtful. "Must you tell him?"

"That's anything but a public-spirited attitude."

"He's anything but a public asset."

Alan stubbed out his cigarette and stood up. "I shan't be long."

She smiled. "You can say that again. Ten to one he'll call the police and have you forcibly removed. While you're gone, I'll get some tea ready."

He left the cottage and walked round to the entrance to the drive of the Curry's home. Not for the first time he thought the other made a great deal of money, even for a solicitor. He walked down the drive, knocked at the front door.

Steven Curry opened it, and as soon as he identified his caller his mouth tightened. "What do you want, Pace?"

Alan came straight to the point. "Did you drive up to Town to-day?"

"That's none of your damn business."

Alan waited until he could speak without revealing too much anger in his voice. "I may be able to help you," he remarked at length.

"You're the last person I'd go to for help: you or your wife. Now clear out of here. . . ."

Belinda had been right, he thought gloomily. "Did you have a car crash in a one-way street?" he asked, determined to make one more attempt.

Something very strange happened to Curry. After a long pause

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it became clear that he was trying to smile. "A car crash?" he repeated,

"In your Bentley?"

The door was opened fully. "Come in, lad, come in." As soon as Alan entered, Curry shut the door, after one quick look down the drive. "Go in that room there."

Alan did as he had been told and he encountered the incredulous gaze of Mrs. Curry.

"Have a cigar, Pace?"

Alan said yes he would. He thought he might as well accept what was offered before the atmosphere underwent another lightning change.

"Steven, what . . . ?" queried his wife.

"Be quiet, Agatha," was his reply, in a tone of voice that suggested immediate obedience. "Now, Pace, try one of these, they're supposed to be good." With an eager desire to please, Curry offered a box of cigars.

Alan began to have a suspicion of the whys and the wherefores. "Thanks," was all he said.

Curry chose a cigar for himself. "You mentioned . . . a car crash . . . ?" He tried to sound almost disinterested.

"I had just completed a case in the High Court." Alan paused to enjoy the flavour of the smoke. Then he continued slowly as he tried to pick his way carefully between the pitfalls of fact. "I was talking to my Instructing Solicitor when his senior partner arrived in a very shocked state. He said he had just missed being killed."

Curry drew too much smoke into his lungs and he coughed.

"He had driven up from the Embankment and was turning very carefully into a street when he came face to face with a Bentley. But for his skilful driving he would probably have been killed: as it was, he escaped alive from the severe crash."

Curry looked everywhere, rather than at Alan. Finally, he could stand the silence no longer. "I don't often go up by car,"

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he said miserably. "When I do I can never understand the system of one-way streets."

"It was a one-way road, wasn't it?"

"How was I supposed to know?" he asked. "I didn't see any sign . . . the first thing I knew was that I met this other car head-on. If only they'd put the signs where one can see them."

Alan looked at his cigar. "My solicitor didn't say he'd seen you stop."

Steven Curry jumped to his feet and strode up and down the room. "I . . . I . . ." He made two complete turns before he could bring himself to say what had to be said. "I was so shaken that I instinctively continued to drive when I found the car would still go."

"You didn't stop to see what harm had been done?"

"I tell you I was shocked."

Alan leaned back in the chair and studied the ceiling. "Not too good, is it?" he remarked. "Driving the wrong way down a one-way street, not stopping after the accident, not-reporting the accident . . . Police aren't very fond of that kind of behaviour."

"This other man . . ." Curry gulped. "Did he take my number?"

Alan shook his head.

"He must be insured?"

"I expect so."

"He wasn't hurt?"

"Only shock."

"The insurance will cover the cost of repair?"

"I shouldn't be surprised."

"Alan—have you told him that you. . . .?"

"Not yet."

"Then it's not as though life or limb had been injured, is it?"

Alan looked as though he might agree.

"You wouldn't want to stir up trouble needlessly?"

"Not needlessly, no. But, as you must know, it should be reported."

WIGGERY POKERY

"Alan, my lad, no one was killed: no one was even hurt. Then why rake up trouble? Neighbours should stick together. That's the only way in which our complex civilization can be made to work. Man helps man, and so each brings the other nearer to the perfect product of creation. I run into a little trouble, you help me once you know no possible harm can result from so doing. You need a little help in the business world, I see you're sent plenty of briefs because that's the only way in which young counsel can make their mark."

Alan inhaled deeply. "You've convinced me," he admitted.